

To: Harlow, David[harlow.david@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Wed 11/1/2017 9:16:07 PM
Subject: RE: Another revised draft of the gliders NPRM

Good thoughts. Works for me.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David

Sent: Wednesday, November 1, 2017 5:11 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject: Another revised draft of the gliders NPRM

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Baptist, Erik[baptist.erik@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Harlow, David[harlow.david@epa.gov]
From: Gunasekara, Mandy
Sent: Wed 10/18/2017 2:19:40 AM
Subject: Re: Revised "integrated" draft of gliders NPR

Great- see you all then

Sent from my iPhone

On Oct 17, 2017, at 10:17 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Happy to host y'all in my office (or Fotouhi's if he's not there) at 8:15am. 4407B.

Sent from my iPhone

On Oct 17, 2017, at 10:13 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Thanks, Erik. That time works well for me, too.

Sent from my iPad

On Oct 17, 2017, at 10:06 PM, Harlow, David <harlow.david@epa.gov> wrote:

Yes, I can do 8:00/8:30 a.m.

Sent from my iPhone

On Oct 17, 2017, at 9:56 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

David,

Ex. 5 - Deliberative Process; Attorney Client

discussion as well. 8:00/8:30 a.m. might be the best time to meet, given that may seems to be non-stop after 9:00 a.m.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David

Sent: Tuesday, October 17, 2017 6:43 PM

To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>

Subject: Revised "integrated" draft of gliders NPR

A revised draft is attached for your review and comment.

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

<Repeal of Emission Requirements for Glider Vehicles - NPRM -
10.17.17.docx>

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Harlow, David[harlow.david@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Baptist, Erik
Sent: Wed 11/1/2017 4:06:10 PM
Subject: Re: Revised gliders NPRM

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

On Nov 1, 2017, at 11:20 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Thanks, David. This looks good to me. I agree.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Harlow, David
Sent: Wednesday, November 1, 2017 11:01 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: Revised gliders NPRM

Attached is a new draft of the gliders NPRM. It has been revised to

Ex. 5 - Deliberative Process; Attorney Client

* * * *

Ex. 5 - Deliberative Process; Attorney Client

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Lyons, Troy
Sent: Fri 10/27/2017 8:34:11 PM
Subject: Re: Next week - Heads up

This heads up is very much appreciated and helpful.

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

Sent from my iPhone

On Oct 27, 2017, at 4:28 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Liz, Troy & Tate -

There's a lot happening next week I wanted to put on your radar. On top of Tuesday's

Not Responsive

we have the following regulatory actions lined up that I've broken up into 3 categories:

1. Proposed actions to be signed and sent to Federal Register/open public comment period:

Not Responsive

-Proposed rescission of glider provisions for the heavy-duty truck rule

Not Responsive

Not Responsive

The program offices should be following up with proposed statements and TPs for y'all on

the major actions above in advance. I just wanted to lay this all out there for you. Please let us know if you have any questions!

Have a good weekend,
Brittany

To: Woods, Clint[woods.clint@epa.gov]; Harlow, David[harlow.david@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Bowman, Liz
Sent: Sat 1/13/2018 3:13:23 PM
Subject: WSJ Op-Ed: Bureaucrats Go Rouge on Glider Truck Emissions

Passing along for awareness

<https://www.wsj.com/articles/epa-bureaucrats-go-rogue-on-glider-truck-emissions-1515800360>

To: Baptist, Erik[baptist.erik@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]
From: Harlow, David
Sent: Wed 10/11/2017 3:27:41 PM
Subject: RE: Gliders

I'm available at 2:00 p.m. as well.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Wednesday, October 11, 2017 11:27 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Re: Gliders

2pm works for me too. And hopefully for Justin as well.

Sent from my iPhone

On Oct 11, 2017, at 11:25 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

2pm works well.

From: Gunasekara, Mandy
Sent: Wednesday, October 11, 2017 10:45 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Gliders

Sam and Brittany, I need to catch you up on the status of gliders. I have some time at 1 or 2. Let me know when you're free and I'll head your way.

Mandy M. Gunasekara

Senior Policy Advisor for Office of Air and Radiation

Office of the Administrator

US Environmental Protection Agency

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Gunasekara, Mandy
Sent: Thur 9/28/2017 12:26:48 PM
Subject: Air Actions
[Air Speech.docx](#)

I realized I never sent you this. Attached is my general speech with a list of most the pending air actions. Good luck today!

Mandy M. Gunasekara

Senior Policy Advisor for Office of Air and Radiation

Office of the Administrator

US Environmental Protection Agency

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Wed 8/2/2017 4:18:55 PM
Subject: RE: Fuels map (follow up from last week's general discussion w/ OTAQ)

Mandy,

Below please find my suggested edits to what you will send to Fred:

Not Responsive; Ex. 5 - Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Gunasekara, Mandy
Sent: Tuesday, August 1, 2017 3:30 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: FW: Fuels map (follow up from last week's general discussion w/ OTAQ)

Not Responsive; Ex. 5 - Attorney Client

I'm reaching out to Mike to connect him and Maddy so they can get the meeting set up.

Not Responsive; Ex. 5 - Attorney Client

From: Lewis, Josh
Sent: Wednesday, July 26, 2017 3:58 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Fuels map (follow up from last week's general discussion w/ OTAQ)

Mandy – Not Responsive

Not Responsive

Take a look and we can answer any questions tomorrow at the weekly meeting (or whenever).

And saw your email re: trailers and gliders. Waiting to hear back from OTAQ and then we'll get something on the calendar.

Josh

To: Charmley, William[charmley.william@epa.gov]
Cc: Dunham, Sarah[Dunham.Sarah@epa.gov]; Harlow, David[harlow.david@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]
From: Gunasekara, Mandy
Sent: Thur 11/2/2017 2:57:40 PM
Subject: Re: Draft language for consideration for the NPRM on gliders regarding the Executive Order language on EJ, Minority Populations, and Low-Income Populations

Ex. 5 - Deliberative Process

Adding in Brittany and Al.

Sent from my iPhone

On Nov 1, 2017, at 9:34 AM, Charmley, William <charmley.william@epa.gov> wrote:

Dear Sarah, Mandy and David,

Yesterday the Office of Environmental Justice (OEJ) arranged a conference call on the topic of the language for the glider repeal NPRM for the Executive Order 12898 on EJ. Representatives from OP-OEJ (Matt Tejada and others), OP-NCEE (Al McGartland), OTAQ (me and some of my staff), and OGC (I didn't catch everyone's name) participated.

Ex. 5 - Deliberative Process

At the conclusion of the meeting I agreed that I would forward this language to the OAR leadership for consideration.

Please let us know if either of these options should be included in the draft proposal. At this time it is my understanding that David still has the pen on the revised draft NPRM.

Thanks

Bill

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Baptist, Erik[baptist.erik@epa.gov];
Bolen, Brittany[bolen.brittany@epa.gov]
From: Harlow, David
Sent: Wed 11/1/2017 9:11:28 PM
Subject: Another revised draft of the gliders NPRM
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - Rev10.docx

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]; DeMocker, Jim[DeMocker.Jim@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Charmley, William[charmley.william@epa.gov]; Hargrove, Anne[Hargrove.Anne@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Moritz, Brigitte[Moritz.Brigette@epa.gov]
From: Burden, Susan
Sent: Thur 8/17/2017 6:08:03 PM
Subject: RE: Signed - Letter to Truck Trailer Manufacturers Association
[Signed - Letter to Fitzgerald - Gliders.pdf](#)
[Signed - Letter to Peterson - Gliders.pdf](#)
[Signed - Letter to Keener - Gliders.pdf](#)

Updated letters attached.

Thanks,

Susan

Susan Burden, Ph.D.

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Office: (202) 564-6308

Cell: (202) 740-0169

From: Gunasekara, Mandy
Sent: Thursday, August 17, 2017 1:37 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Shaw, Betsy

<Shaw.Betsy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hargrove, Anne <Hargrove.Anne@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Moritz, Brigitte <Moritz.Brigette@epa.gov>

Subject: RE: Signed - Letter to Truck Trailer Manufacturers Association

Yes – thank you. Good catch.

From: Hengst, Benjamin

Sent: Thursday, August 17, 2017 1:36 PM

To: Burden, Susan <Burden.Susan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hargrove, Anne <Hargrove.Anne@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Moritz, Brigitte <Moritz.Brigette@epa.gov>

Subject: RE: Signed - Letter to Truck Trailer Manufacturers Association

Ex. 5 - Deliberative Process; Attorney Client

Ben

From: Burden, Susan

Sent: Thursday, August 17, 2017 1:26 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hargrove, Anne <Hargrove.Anne@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Moritz, Brigitte <Moritz.Brigette@epa.gov>

Subject: RE: Signed - Letter to Truck Trailer Manufacturers Association

Hi all,

Attached are PDFs of the signed gliders letters. Please let me know if you need anything else.

Thanks,

Susan

Susan Burden, Ph.D.

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Office: (202) 564-6308

Cell: (202) 740-0169

From: Hengst, Benjamin

Sent: Thursday, August 17, 2017 12:30 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hargrove, Anne <Hargrove.Anne@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: Signed - Letter to Truck Trailer Manufacturers Association

Hi Mandy—just to confirm, the plan (as discussed previously) is that OTAQ—in this case Bill Charmley—would email out the letters and copy the EPA senior leadership team. Bill would do that at 2pm, unless you direct otherwise.

If that has changed, just let us know.

Thanks

Ben

From: Gunasekara, Mandy

Sent: Thursday, August 17, 2017 12:24 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hargrove, Anne

<Hargrove.Anne@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>

Subject: RE: Signed - Letter to Truck Trailer Manufacturers Association

So whoever has it, let me know what (if anything) you need to meet that signing deadline (2 pm today).

From: Gunasekara, Mandy

Sent: Thursday, August 17, 2017 12:19 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hargrove, Anne <Hargrove.Anne@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>

Subject: RE: Signed - Letter to Truck Trailer Manufacturers Association

Ok – that one needs to be signed today as well (before 2 pm).

From: Hengst, Benjamin

Sent: Thursday, August 17, 2017 12:18 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hargrove, Anne <Hargrove.Anne@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>

Subject: RE: Signed - Letter to Truck Trailer Manufacturers Association

Hi all: I know the glider letter was signed out of OAR's front office this morning.

From: Gunasekara, Mandy

Sent: Thursday, August 17, 2017 12:14 PM

To: Burden, Susan <Burden.Susan@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hargrove, Anne <Hargrove.Anne@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Signed - Letter to Truck Trailer Manufacturers Association

Great and thank you. Where is the glider letter in the process?

From: Burden, Susan

Sent: Thursday, August 17, 2017 12:12 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hargrove, Anne <Hargrove.Anne@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Signed - Letter to Truck Trailer Manufacturers Association

Good afternoon,

A letter to the Truck Trailer Manufacturers Association and their counsel has been signed. Attached is a PDF of the signed letter. Please let me know if you have any questions.

Thanks,

Susan

Susan Burden, Ph.D.

Special Assistant (ORD, OCSPP, OCHP, SAB)

Office of the Administrator

U.S. Environmental Protection Agency

Office: (202) 564-6308

Cell: (202) 740-0169

To: Bolen, Brittany[bolen.brittany@epa.gov]; Catanzaro, Michael J.
EOP/WHO: **Ex. 6 - Personal Privacy**
Ex. 6 - Personal Privacy; Campau, Anthony P.
EOP/OMB: [Anthony.P.Campau@omb.eop.gov]; Smith, Loren (OST)[Loren.Smith@dot.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Baptist, Erik[baptist.erik@epa.gov];
Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Owens, James (OST)
Sent: Thur 8/17/2017 12:50:24 AM
Subject: RE: Heavy-Duty Standards

Thanks Brittany

Ex. 5 - Deliberative Process

James C. Owens

U.S. Department of Transportation

Office: W94-320

Email: james.owens@dot.gov

Cell: (202) 875-2969

Office: (202) 366-7071

From: Bolen, Brittany [mailto:bolen.brittany@epa.gov]
Sent: Wednesday, August 16, 2017 2:54 PM
To: Catanzaro, Michael J. EOP/WHO; **Ex. 6 - Personal Privacy**; Campau, Anthony P. EOP/OMB;
Owens, James (OST); Smith, Loren (OST)
Cc: Dravis, Samantha; Baptist, Erik; Gunasekara, Mandy
Subject: Heavy-Duty Standards

Team – thanks again for your help last week getting the **Not Responsive** out the door.

Ex. 5 - Deliberative Process

Best,

Brittany

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Nickerson, William[Nickerson.William@epa.gov];
Marten, Alex[Marten.Alex@epa.gov]
From: McGartland, Al
Sent: Fri 10/20/2017 4:48:43 PM
Subject: edits to NRPM
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - ... minor edits am.docx

Hi Ben. We changed some of the language in

Ex. 5 - Deliberative Process

also attached.

To: Harlow, David[harlow.david@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Wed 10/18/2017 1:56:23 AM
Subject: RE: Revised "integrated" draft of gliders NPR
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17.docx

David,

Ex. 5 - Deliberative Process; Attorney Client

Office of Policy would like to join this discussion as well. 8:00/8:30 a.m. might be the best time to meet, given that may seems to be non-stop after 9:00 a.m.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David

Sent: Tuesday, October 17, 2017 6:43 PM

To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: Revised "integrated" draft of gliders NPR

A revised draft is attached for your review and comment.

Ex. 5 - Deliberative Process; Attorney Client

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Tue 10/17/2017 7:35:40 PM
Subject: FW: Glider Vehicles
[Glider Vehicles.pdf](#)

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Useldinger, Kenny [mailto:kwu@rdotc.com]
Sent: Tuesday, October 17, 2017 3:10 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: susan.alt@volvo.com
Subject: Glider Vehicles

Please consider our letter in regards to Glider Vehicles.

Thank you.

Kenneth Useldinger

President

RDO Truck Centers

RDO Truck Leasing

(701) 566-6546

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Tue 10/17/2017 4:53:43 PM
Subject: FW: Glider Kits/Vehicles - Keep the Cap!
[EPA_KeeptheCapGliders2017_1017.pdf](#)

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Mike McMahon [mailto:mmcmahon@mcmahontrucks.com]
Sent: Tuesday, October 17, 2017 10:56 AM
To: Baptist, Erik <baptist.erik@epa.gov>
Subject: Glider Kits/Vehicles - Keep the Cap!

Dear Erik Baptist:

Attached please find a copy of the letter I wrote in support of Keeping the Cap on Glider Kits/Vehicles. The original was mailed today.

Please reach me for any additional information. Thank you for your attention to this important matter.

Mike McMahon

President & CEO

(704) 597-1240 office

(704) 560-5408 mobile



To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Tue 10/17/2017 4:53:27 PM
Subject: FW: Volume Cap on "Glider Vehicles"
[GATR-Letter.pdf](#)

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Bob Neitzke [mailto:bneitzke@gatr.net]
Sent: Tuesday, October 17, 2017 11:35 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Alt Susan <susan.alt@volvo.com>
Subject: Volume Cap on "Glider Vehicles"

Mandy and Erik,

Please see attached letter.

Bob Neitzke

218 Stearns Drive

Sauk Rapids MN 56379

Office 320 251 7356 ext 1119

Cell 320 980 1599



To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Mon 10/16/2017 4:04:32 PM
Subject: Fwd: "glider vehicles"

FYI

Sent from my iPhone

Begin forwarded message:

From: Brian Bidlake <Brianb@transportequip.com>
Date: October 16, 2017 at 11:09:14 AM EDT
To: "Gunasekara.Mandy@epa.gov" <Gunasekara.Mandy@epa.gov>, "baptist.erik@epa.gov" <baptist.erik@epa.gov>
Subject: "glider vehicles"

To whom it may concern,

As a private business owner with operations in Montana, Idaho, and Washington, I ask you to keep the volume cap on "glider vehicles" as written in the final Greenhouse Gas Phase 2 regulation.

Simply, glider vehicles are sold against us but with an unfair competitive advantage.

Today's new trucks meet US '10 emission levels by the installation of an expensive "chemical factory" behind the engine (the SCR and DPF). Because gliders vehicles don't meet the current emission standards, they avoid these expensive "chemical factories" that we, as conscientious business owners complying with EPA's strict emissions standards, provide our customers with the least amount of emissions possible.

Also, we are required to pay a 12% Federal excise tax on the sales price for every truck we

sell. Glider Vehicles may not have to pay the excise tax. This tax is used to fund the Federal highway trust fund which helps pay for our roads and bridges. So, we are at a 12% unfair price disadvantage and the vehicles we sell to build highway infrastructure is impacted as the fund is lessened with every glider vehicle sold.

I have lost sales to glider vehicles and it negatively impacts my business. I simply want a level playing field so that we can fairly compete.

Please feel free to contact me at Brianb@transportequip.com.

Regards,

Brian Bidlake

Transport Equipment, Inc

406-541-9097



WE KEEP TRUCKERS TRUCKIN'

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Baptist, Erik
Sent: Mon 10/16/2017 1:58:47 AM
Subject: Re: EPA Letter

Brittany,

I think reconvening is a good idea. Mandy and I are scheduled to meet with the attorneys for the larger truck companies at 11am tomorrow. I will forward y'all the invitation if you would like to

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

On Oct 15, 2017, at 9:14 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Erik - thank you for sending this and the other two letters. Should we find time to reconvene tomorrow?

Sent from my iPhone

On Oct 15, 2017, at 8:37 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

FYI

Sent from my iPhone

Begin forwarded message:

From: Dorri Gibson <dgibson@tecequipment.com>
Date: October 13, 2017 at 1:24:05 PM EDT
To: "Gunasekara.Mandy@epa.gov" <Gunasekara.Mandy@epa.gov>, "baptist.erik@epa.gov" <baptist.erik@epa.gov>
Subject: EPA Letter

Good Morning To Whom it May Concern:

Please open attachment: From David Thompson, President/CEO of TEC Equipment, Inc.

Thank you,

Dorri Gibson

Executive Assistant

TEC Equipment

Office: 503.247.4601

dgibson@tecequipment.com

<SAccounting17101309520.pdf>

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Baptist, Erik[baptist.erik@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Schwab, Justin
Sent: Wed 8/16/2017 4:14:51 PM
Subject: Re: Glider response letter (revised draft), plus some other materials

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

On Aug 16, 2017, at 12:10 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Do any of you have a preference?

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Schmidt, Lorie
Sent: Wednesday, August 16, 2017 11:31 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Mandy

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Lorie

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

From: Gunasekara, Mandy

Sent: Wednesday, August 16, 2017 11:03 AM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark
<Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam
<Srinivasan.Gautam@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

My edits are included in the attached.

Ben, that is a good plan of action. In order to ensure coordination with OCIR and OPA, shoot us a note when everything is ready to go and then wait for the final greenlight before hitting send.

Please let me know of any questions and/or concerns with included edits.

Best,

Mandy

From: Hengst, Benjamin

Sent: Wednesday, August 16, 2017 9:25 AM

To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>;
Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam
<Srinivasan.Gautam@epa.gov>

Subject: RE: Glider response letter (revised draft), plus some other materials

All: here's the current version of the glider letter in redline.

Mandy – please let me know if you are OK with this and we'll get a clean version down through OAR today.

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Ben

From: Kataoka, Mark
Sent: Tuesday, August 15, 2017 5:24 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

Sorry – here is the letter

Ex. 5 - Deliberative Process; Attorney Client

From: Kataoka, Mark
Sent: August 15, 2017 5:22 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Glider response letter (revised draft), plus some other materials

One suggestion:

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Hengst, Benjamin
Sent: August 15, 2017 5:05 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: Glider response letter (revised draft), plus some other materials

Hi folks. Please respond with any further edits to the document to this email chain. For some reason Lee's personal email address keeps popping up and it seems easier just to remove it from this chain altogether. Thanks. Ben

On Aug 15, 2017, at 4:26 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Attached please find some suggested edits for your consideration.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin
Sent: Tuesday, August 15, 2017 10:02 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark

<Kataoka.Mark@epa.gov>;

Ex. 6 - Personal Privacy

Subject: FW: Glider response letter (revised draft), plus some other materials

Resending with corrected email for Lee Cook, Acting Office Director for OTAQ this week. Ben

Subject: Glider response letter (revised draft), plus some other materials

Hi folks—attached is an updated draft glider response letter for your review.

Please note that OGC career staff have not reviewed the draft letter yet (Mark was out; David is out). I'm copying Mark (who returns to the office today) and Lorie here so they have a chance to look at this as well.

Ex. 5 - Deliberative Process; Attorney Client

We'll move this letter once review has concluded. Thanks, Ben

<HD gliders intent to revisit 8.15.17 ecb.docx>

<HD gliders intent to revisit 8.16.17.docx MMG edits.docx>

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Mon 10/16/2017 12:36:44 AM
Subject: Fwd: letter to Hon. Scott Pruitt, Administrator, Environmental Protection Agency
[image001.jpg](#)
[ATT00001.htm](#)
[NT&E letter to Hon. Scott Pruitt, 10.14.pdf](#)
[ATT00002.htm](#)

FYI

Sent from my iPhone

Begin forwarded message:

From: Robert Nuss <rnuss@nussgrp.com>
Date: October 14, 2017 at 3:23:23 PM EDT
To: "'Gunasekara.Mandy@epa.gov'" <Gunasekara.Mandy@epa.gov>, "'Baptist.Erik@epa.gov'" <Baptist.Erik@epa.gov>
Subject: letter to Hon. Scott Pruitt, Administrator, Environmental Protection Agency

To: Mandy Gunasekara, Senior Advisor to the Administrator

Erik Baptist, Senior Deputy General Counsel

Please forward the attached letter to Hon. Scott Pruitt, Administrator, Environmental Protection Agency

I will send the original by mail

I can be reached at (507)424-4140 direct & cell, or email at rnuss@nussgrp.com

Thank you,

Robert Nuss
President | CEO
Nuss Truck & Equipment

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Mon 10/16/2017 12:35:58 AM
Subject: Fwd: GHG 2 Glider Kit Sales

FYI

Sent from my iPhone

Begin forwarded message:

From: Steve Parker <S.Parker@baltimoretruckcenter.com>
Date: October 15, 2017 at 8:32:46 PM EDT
To: "Gunasekara.Mandy@epa.gov" <Gunasekara.Mandy@epa.gov>, "baptist.erik@epa.gov" <baptist.erik@epa.gov>
Subject: GHG 2 Glider Kit Sales

As a privately owned commercial truck dealer with operations in Baltimore, MD, Washington, D.C., Gainesville, VA and Hagerstown, MD I respectfully ask you to retain the volume cap ascribed to "glider sales" as written in the final Greenhouse Gas Phase 2 regulation. Today's new commercial trucks must meet strict US 2010 EPA emission standards through compliance with costly investment and development of DPF and SCR technology. Since gliders do not meet these same emission standards required of all original equipment manufacturers, they avoid the costs associated with componentry required to comply with GHG 2. Simply stated, glider kit sales represent an unfair competitive advantage.

Also, glider kit sales may not be subject to the 12% Federal Excise Tax (FET) paid by each new heavy duty truck sold effectively adding to a further price disadvantage against my dealership sales. As you know, FET funds are directed to the Highway Trust Fund (HTF) to pay for infrastructure investments so each glider kit sold impacts the HTF's ability to fund important transportation funding.

Glider kit sales negatively impact my business and I urge the EPA to uphold the current GHG 2 regulation pertaining to glider kit sales.

Thank you.

Steven E. Parker, President

Baltimore Potomac Truck Centers, Inc.

610 Nursery Road

Linthicum, MD 21090

www.bptruckcenters.com

Tel: 410.636.6200

Cell: 410.382.1304

Fax: 410.636.6332

s.parker@baltimoretruckcenter.com

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Baptist, Erik
Sent: Tue 8/15/2017 10:26:48 PM
Subject: Re: Glider response letter (revised draft), plus some other materials

Yes to both. Good points.

Sent from my iPhone

> On Aug 15, 2017, at 6:25 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

>

Ex. 5 - Deliberative Process; Attorney Client

>

> Thanks!

> Brittany

>

> P.S. I'll be out of pocket most of tomorrow serving jury duty.

>

> From: Hengst, Benjamin

> Sent: Tuesday, August 15, 2017 9:55 AM

> To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

> Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; cookleila@ymail.com; Kataoka, Mark <Kataoka.Mark@epa.gov>

> Subject: Glider response letter (revised draft), plus some other materials

>

> Hi folks—attached is an updated draft glider response letter for your review.

>

> Please note that OGC career staff have not reviewed the draft letter yet (Mark was out; David is out).

I'm copying Mark (who returns to the office today) and Lorie here so they have a chance to look at this as well.

Ex. 5 - Deliberative Process; Attorney Client

> We'll move this letter once review has concluded. Thanks, Ben

> <HD gliders intent to revisit 8.15.17.docx>

- > <Fitzgerald et al petition for reconsideration of EPA's glider kit regula....pdf>
- > <Heavy-duty Phase 2 NPRM and FRM discussion of EPA authority to regulatepdf>

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Fri 10/20/2017 3:46:20 PM
Subject: FW: Draft Proposal of Glider Repeal; OGC's Edits/Comments
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 (+.....docx

FYI

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Baptist, Erik
Sent: Friday, October 20, 2017 9:39 AM
To: Harlow, David <harlow.david@epa.gov>
Subject: Draft Proposal of Glider Repeal; OGC's Edits/Comments

David,

Attached please find OGC's edits and comments on the draft proposal of the glider repeal.

Please let me know if you have any questions.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Harlow, David
Sent: Fri 10/20/2017 3:00:39 PM
Subject: RE: Further revised draft of gliders NPR

Will do.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Gunasekara, Mandy
Sent: Friday, October 20, 2017 11:00 AM
To: Harlow, David <harlow.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: Further revised draft of gliders NPR

Thanks, David. Once you do the final run through, will you send that to Sarah Dunham and Josh Lewis as well?

From: Harlow, David
Sent: Friday, October 20, 2017 10:52 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: Further revised draft of gliders NPR

Ex. 5 - Deliberative Process; Attorney Client

I'll look to get this turned around quickly.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Friday, October 20, 2017 10:28 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: Further revised draft of gliders NPR

Brittany,

I can answer for Erik, as he passed along to me a marked-up copy

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Bolen, Brittany
Sent: Friday, October 20, 2017 10:22 AM
To: Harlow, David <harlow.david@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: Further revised draft of gliders NPR

Erik – does OGC have further edits to this version?

Brittany

From: Harlow, David
Sent: Thursday, October 19, 2017 5:55 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Further revised draft of gliders NPR

Attached (as “Rev2”) is another draft of the gliders NPR, which I have

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: McGartland, Al
Sent: Thur 10/26/2017 1:58:16 PM
Subject: EJ executive order write up for Gliders rule

Hi. I had a quick phone call with Charles Lee and Matt Tejada about the

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Here is the text:

(11) Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations, and Low-Income Populations

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sent from my iPhone

To: Bolen, Brittany[bolen.brittany@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Harlow, David
Sent: Fri 10/20/2017 2:52:18 PM
Subject: RE: Further revised draft of gliders NPR

Ex. 5 - Deliberative Process; Attorney Client

I'll look to get this turned around quickly.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Friday, October 20, 2017 10:28 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: Further revised draft of gliders NPR

Brittany,

I can answer for Erik, as he passed along to me a marked-up copy

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Bolen, Brittany
Sent: Friday, October 20, 2017 10:22 AM
To: Harlow, David <harlow.david@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: Further revised draft of gliders NPR

Erik – does OGC have further edits to this version?

Brittany

From: Harlow, David
Sent: Thursday, October 19, 2017 5:55 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Further revised draft of gliders NPR

Attached (as "Rev2") is another draft of the gliders NPR, which I have

Ex. 5 - Deliberative Process; Attorney Client

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Schwab, Justin[Schwab.Justin@epa.gov]
Cc: Harlow, David[harlow.david@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Baptist, Erik
Sent: Thur 10/12/2017 6:03:22 PM
Subject: Re: Gliders: drafts of **Ex. 5 - Deliberative Process; Attorney Client**

The Glider issue, in my opinion,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

On Oct 12, 2017, at 1:55 PM, Schwab, Justin <Schwab.Justin@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

On Oct 12, 2017, at 1:44 PM, Harlow, David <harlow.david@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Thursday, October 12, 2017 1:08 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: RE: Gliders: drafts of

Ex. 5 - Deliberative Process; Attorney Client

Attorney-Client Privilege

Deliberative

David,

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David

Sent: Thursday, October 12, 2017 12:54 PM

To: Baptist, Erik <baptist.erik@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>

Subject: RE: Gliders: drafts of **Ex. 5 - Deliberative Process; Attorney Client**

[Sorry, my attempt to insert a “section” symbol had the unfortunate effect of sending this before I had completed it!]

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Thursday, October 12, 2017 12:34 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: RE: Gliders: drafts of **Ex. 5 - Deliberative Process; Attorney Client**

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik

Sent: Thursday, October 12, 2017 11:41 AM
To: Harlow, David <harlow.david@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: Re: Gliders: drafts of **Ex. 5 - Deliberative Process; Attorney Client**

David,

Ex. 5 - Deliberative Process; Attorney Client

Sent from my iPhone

On Oct 11, 2017, at 3:18 PM, Harlow, David <harlow.david@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

is) and noticed and corrected two typographical errors. The attached document here is this corrected version. If you haven't otherwise distributed the first version, you should probably use this one. Thank you!

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Wednesday, October 11, 2017 3:03 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik
<baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>

Subject: Gliders: drafts of **Ex. 5 - Deliberative Process; Attorney Client**

Brittany,

Attached are drafts of two documents. The first is the original document (*i.e.*, the one you have in hard copy), styled as an

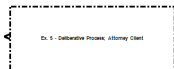
Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov



Copy (003).docx>

To: Baptist, Erik[baptist.erik@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Schmidt, Lorie[Schmidt.Lorie@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; cookleila@ymail.com[cookleila@ymail.com]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Hengst, Benjamin
Sent: Tue 8/15/2017 1:55:23 PM
Subject: Glider response letter (revised draft), plus some other materials
[HD gliders intent to revisit 8.15.17.docx](#)
[Fitzgerald et al petition for reconsideration of EPA's glider kit regula....pdf](#)
[Heavy-duty Phase 2 NPRM and FRM discussion of EPA authority to regulatepdf](#)

Hi folks—attached is an updated draft glider response letter for your review.

Please note that OGC career staff have not reviewed the draft letter yet (Mark was out; David is out). I'm copying Mark (who returns to the office today) and Lorie here so they have a chance to look at this as well.

Ex. 5 - Deliberative Process; Attorney Client

We'll move this letter once review has concluded. Thanks, Ben

To: Bolen, Brittany[bolen.brittany@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Gunasekara, Mandy
Sent: Tue 8/15/2017 12:56:45 PM
Subject: RE: Revised letter to trailer petitioners

Ex. 5 - Deliberative Process

From: Bolen, Brittany
Sent: Monday, August 14, 2017 4:03 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: FW: Revised letter to trailer petitioners

Ex. 5 - Deliberative Process

From: Cyran, Carissa
Sent: Monday, August 14, 2017 4:00 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; cookleila@ymail.com; Charmley, William <charmley.william@epa.gov>
Subject: RE: Revised letter to trailer petitioners

OAD has signed off on the letter and it's moving to OEX now.

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 3:58 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark

<Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa
<Cyran.Carissa@epa.gov>; cookleila@ymail.com; Charmley, William
<charmley.william@epa.gov>

Subject: RE: Revised letter to trailer petitioners

Great – thank you for the update.

From: Hengst, Benjamin
Sent: Monday, August 14, 2017 11:41 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha
<dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab,
Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark
<Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa
<Cyran.Carissa@epa.gov>; cookleila@ymail.com; Charmley, William
<charmley.william@epa.gov>
Subject: RE: Revised letter to trailer petitioners

No—we haven't sent that but I spoke with Bill Charmley (cc'd today) and he's working on the revised version now. Ben

From: Gunasekara, Mandy
Sent: Monday, August 14, 2017 11:38 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dravis, Samantha
<dravis.samantha@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab,
Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark
<Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa
<Cyran.Carissa@epa.gov>; cookleila@ymail.com
Subject: RE: Revised letter to trailer petitioners

Have you sent the draft gliders letter?

From: Hengst, Benjamin

Sent: Monday, August 14, 2017 11:36 AM

To: Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; coogleila@ymail.com

Subject: RE: Revised letter to trailer petitioners

Got it—we will be moving it through OAR. Ben

From: Dravis, Samantha

Sent: Monday, August 14, 2017 11:05 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; DeMocker, Jim <DeMocker.Jim@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>

Subject: Re: Revised letter to trailer petitioners

OAR needs to send it through the process and I will autopen it

Sent from my iPhone

On Aug 14, 2017, at 10:58 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Great- let's get this letter processed. I'd like to have it teed up for signature tomorrow morning.

Sent from my iPhone

On Aug 14, 2017, at 10:48 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

This looks good to me, thanks.

From: Gunasekara, Mandy

Sent: Monday, August 14, 2017 9:04 AM

To: Baptist, Erik <baptist.erik@epa.gov>; Hengst, Benjamin

<Hengst.Benjamin@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Revised letter to trailer petitioners

I added on additional edit. Brittany, do you have any edits?

From: Baptist, Erik

Sent: Monday, August 14, 2017 8:58 AM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Revised letter to trailer petitioners

Mandy and Ben,

Attached please find a couple minor suggested edits.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hengst, Benjamin

Sent: Friday, August 11, 2017 1:56 PM

To: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin
<schwab.justin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Kataoka,
Mark <Kataoka.Mark@epa.gov>

Subject: Revised letter to trailer petitioners

Erik and Mandy:

Not Responsive

Not Responsive

We'll send you a revised glider response to petitioners early next week.

Thanks,

Ben

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Fri 8/11/2017 5:44:16 PM
Subject: RE: Fitzgerald Trucking

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Gunasekara, Mandy

Sent: Friday, July 7, 2017 9:58 AM

To: Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Subject: FW: Fitzgerald Trucking

FYI

From: Donald K. Shandy [<mailto:don.shandy@crowedunlevy.com>]

Sent: Tuesday, May 16, 2017 6:38 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron
<brown.byron@epa.gov>

Cc: 'Joe Depew' <jdepew@fitzgeraldtrucksales.com>; Erin Potter Sullenger
<erinpotter.sullenger@crowedunlevy.com>; 'Lehman, Rob' <Rob.Lehman@wilmerhale.com>

Subject: RE: Fitzgerald Trucking

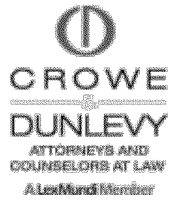
Mandy and Byron,

In accordance with our recent discussions, attached is a document which summarizes various issues and concerns related to the Phase 2 engine rule.

We appreciate EPA's consideration in this matter.

Best,

Don



Donald K. Shandy
Attorney at Law
405.234.3205

This message may be protected by the attorney-client privilege and/or other privileges or protections. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error and then delete it. Thank you.

To: Bolen, Brittany[bolen.brittany@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Lewis, Josh[Lewis.Josh@epa.gov]; Harlow, David[harlow.david@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]
From: Sutton, Tia
Sent: Mon 10/23/2017 3:07:25 PM
Subject: RE: OMB request for glider meeting today

Hi everyone,

Call-in information for the 4pm call is below, and we will get a meeting scheduler sent out as well.

Participant Dial-In

Ex. 6 - Personal Privacy

Participant Code:

Thanks,

Tia

From: Bolen, Brittany
Sent: Monday, October 23, 2017 11:02 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: Re: OMB request for glider meeting today

I can't make it in person, but send us the conference line and we can join. Also adding Erik in case he's free to join.

On Oct 23, 2017, at 10:19 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Please move forward with scheduling it. I am unable to make it, but David Harlow will be available. Also, looping in Brittany and Samantha in the event someone from OP can make it.

From: Lewis, Josh

Sent: Monday, October 23, 2017 10:16 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>

Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: OMB request for glider meeting today

Chad at OMB is trying to get an interagency briefing scheduled on the glider NPRM that was uploaded on Friday. He's specifically asking for today at 4pm. Please advise on how you want to handle.

Josh

To: Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: McGartland, Al
Sent: Fri 10/20/2017 9:14:23 PM
Subject: Unfunded Mandates Reform Act (UMRA) and the NPRM for Gliders

Hi. I am just closing the loop on a small issue. I left a vm with Brittany that there may

Ex. 5 - Deliberative Process

I hope this is clear.

To: Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]
From: Harlow, David
Sent: Fri 10/20/2017 8:47:55 PM
Subject: RE: edits to NRPM

Nope, it's all good. Thanks.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Bolen, Brittany
Sent: Friday, October 20, 2017 4:43 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: Re: edits to NRPM

Thank you, David.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Please me know if

you have any questions.

Brittany

On Oct 20, 2017, at 4:29 PM, Harlow, David <harlow.david@epa.gov> wrote:

Ex. 5 - Deliberative Process; Attorney Client

That's where things stand to the moment. I'll be around for a while, should we still be looking to move forward this afternoon.

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

From: Bolen, Brittany
Sent: Friday, October 20, 2017 4:15 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: Re: edits to NRPM

David:

Does this include all of OGCs edits? If this is the final, please let us know and we will have staff upload it to ROCIS.

Thanks,

Brittany

On Oct 20, 2017, at 4:00 PM, Harlow, David <harlow.david@epa.gov> wrote:

Done. This latest draft is "Rev4."

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Bolen, Brittany
Sent: Friday, October 20, 2017 3:34 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: Fwd: edits to NRPM

Hi David,

Please incorporate the following edits from OP.

Thank you,

Brittany

Begin forwarded message:

From: "McGartland, Al" <McGartland.Al@epa.gov>
Date: October 20, 2017 at 12:48:43 PM EDT
To: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Cc: "Bolen, Brittany" <bolen.brittany@epa.gov>, "Nickerson, William" <Nickerson.William@epa.gov>, "Marten, Alex" <Marten.Alex@epa.gov>
Subject: edits to NRPM

Hi Ben.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Also attached.

<Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - Rev4.docx>

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Baptist, Erik[baptist.erik@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]
From: Harlow, David
Sent: Wed 11/8/2017 5:56:24 PM
Subject: FW: Last-minute significance change request from OMB

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Sutton, Tia
Sent: Wednesday, November 8, 2017 12:46 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: RE: Last-minute significance change request from OMB

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process

From: Hengst, Benjamin
Sent: Wednesday, November 08, 2017 12:43 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: Re: Last-minute significance change request from OMB

Ex. 5 - Deliberative Process; Attorney Client

On Nov 8, 2017, at 12:32 PM, Sutton, Tia <sutton.tia@epa.gov> wrote:

Hi all,

Ex. 5 - Deliberative Process; Attorney Client

Please let me know ASAP how you would like to proceed here.

Thanks!

-Tia

To: Bolen, Brittany[bolen.brittany@epa.gov]; Harlow, David[harlow.david@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Baptist, Erik
Sent: Wed 10/18/2017 8:22:30 PM
Subject: RE: Revised draft of gliders NPR

Yes, I will share with OGC. Thanks.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Bolen, Brittany
Sent: Wednesday, October 18, 2017 3:07 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Re: Revised draft of gliders NPR

Thanks, David. Erik, as a next step, will you be sharing with OGC? I will review the EO sections and share with OP staff, too.

Brittany

On Oct 18, 2017, at 2:43 PM, Harlow, David <harlow.david@epa.gov> wrote:

Attached is a new draft of the gliders NPR.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

<Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 -
Rev1.docx>

To: Bolen, Brittany[bolen.brittany@epa.gov]
From: EPA Press Office
Sent: Thur 11/9/2017 5:10:53 PM
Subject: EPA Proposes Repeal of Glider Provisions for Heavy-Duty Truck Rule

Administrator Pruitt Advances Effort to Keep EPA within Regulatory Lane with Proposed Repeal of Glider Provisions from Heavy-Duty Truck Rule

WASHINGTON (November 9, 2017) The Environmental Protection Agency (EPA) is proposing to undo the regulatory overreach of the prior administration by repealing application of the Medium- and Heavy-Duty Truck Phase II Greenhouse Gas Emission and Fuel Efficiency Standards for the glider industry. Gliders are a specially manufactured type of heavy duty highway vehicle assembled from newly manufactured kits that include the vehicle's frame and cab, to which a used engine, transmission and axles are added.

"The previous administration attempted to bend the rule of law and expand the reach of the federal government in a way that threatened to put an entire industry of specialized truck manufacturers out of business," **said EPA Administrator Scott Pruitt**. "Accordingly, the Agency is taking comment on an interpretation of the Clean Air Act that recognizes the unique nature of a vehicle made up of both new and used component parts. Gliders not only provide a more affordable option for smaller owners and operators, but also serve as a key economic driver to numerous rural communities."

Due to the unique way that gliders are manufactured, the Agency is proposing that gliders should not be regulated as "new motor vehicles" or "new motor vehicle engines" under section 202(a)(1) of the Clean Air Act. This action does not affect nor propose to affect EPA's authority to address heavy-duty engine rebuilding practices under Clean Air Act section 202(a)(3)(D).

EPA estimates that about 10,000 gliders are manufactured annually, comprising less than five percent of the Class 8 heavy-duty highway truck market.

The public comment period for the proposal will be open through January 5, 2018. EPA will also hold a public hearing on Monday, December 4, 2017 at EPA's Washington, DC headquarters. More information on the proposal, hearing and how to comment: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks>

Today's proposal is based on a review of the glider provisions of the Phase II rule. On August 17, 2017, Administrator Pruitt announced the Agency's intent to reconsider the glider provisions of the Phase II rule in response to several petitions for reconsideration. See: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel>

[Visit The EPA's Newsroom](#)



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest

Washington, D.C. 20004

Unsubscribe

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Nickerson, William[Nickerson.William@epa.gov]
From: Owens, Nicole
Sent: Fri 11/3/2017 10:52:07 AM
Subject: Fwd: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM
EO12866 Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN 2....docx
ATT00001.htm

Hello -

FYI. I am hearing there is an expectation that this will be signed today or Monday. Is that correct?

Nicole

Sent from my iPhone

Begin forwarded message:

From: "Sutton, Tia" <sutton.tia@epa.gov>
Date: November 2, 2017 at 6:28:20 PM EDT
To: "Whiteman, Chad S. EOP/OMB" [Ex. 6 - Personal Privacy], "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Cc: "Burch, Julia" <Burch.Julia@epa.gov>, "Owens, Nicole" <Owens.Nicole@epa.gov>
Subject: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Chad,

Attached please find EPA's passback on the draft NPRM "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits." This is a redline-strikeout as compared to the version that was uploaded on October 20, 2017 (which I believe had a date of 10/17/17 in the file).

Thanks,

Tia

From: Whiteman, Chad S. EOP/OMB [Ex. 6 - Personal Privacy]
Sent: Tuesday, October 24, 2017 10:16 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>

Subject: EO 12866 Interagency Comments on EPA Glider NPRM

Ben,

Attached are EO 12866 interagency review comments on EPA's draft NPRM titled, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits," RIN 2060-AT79.

Best Regards,

Chad

Chad Whiteman

Senior Policy Analyst, Office of Information and Regulatory Affairs

Office of Management and Budget | Executive Office of the President

Ex. 6 - Personal Privacy

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Harlow, David[harlow.david@epa.gov]
Cc: Baptist, Erik[baptist.erik@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Charmley, William[charmley.william@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]
From: Hengst, Benjamin
Sent: Fri 11/3/2017 12:04:44 AM
Subject: Fwd: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM
EO12866 Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN_2....docx
ATT00001.htm

All:

OTAQ has sent OMB the attached draft of the glider repeal NPRM.

Others may hear before we do on OMB's next steps (e.g., clearance) but we will share anything we hear.

Thanks
Ben

Begin forwarded message:

From: "Sutton, Tia" <sutton.tia@epa.gov>
Date: November 2, 2017 at 6:28:20 PM EDT
To: "Whiteman, Chad S. EOP/OMB" Ex. 6 - Personal Privacy, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Cc: "Burch, Julia" <Burch.Julia@epa.gov>, "Owens, Nicole" <Owens.Nicole@epa.gov>
Subject: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Chad,

Attached please find EPA's passback on the draft NPRM "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits." This is a redline-strikeout as compared to the version that was uploaded on October 20, 2017 (which I believe had a date of 10/17/17 in the file).

Thanks,

Tia

From: Whiteman, Chad S. EOP/OME

Ex. 6 - Personal Privacy

Sent: Tuesday, October 24, 2017 10:16 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>

Subject: EO 12866 Interagency Comments on EPA Glider NPRM

Ben,

Attached are EO 12866 interagency review comments on EPA's draft NPRM titled, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits," RIN 2060-AT79.

Best Regards,

Chad

Chad Whiteman

Senior Policy Analyst, Office of Information and Regulatory Affairs

Office of Management and Budget | Executive Office of the President

Ex. 6 - Personal Privacy

To: Baptist, Erik[baptist.erik@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Abboud, Michael[abboud.michael@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Konkus, John
Sent: Thur 8/17/2017 7:24:26 PM
Subject: RE: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules
EPA Intends to Roll Back Job Killing Regulation Hurting Small Business Owners.docx

Ex. 5 - Deliberative Process; Attorney Client

From: Baptist, Erik
Sent: Thursday, August 17, 2017 3:21 PM
To: Hewitt, James <hewitt.james@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules

I like Mandy's edits. I have one additional suggested edit in the attached.

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Hewitt, James

Sent: Thursday, August 17, 2017 3:20 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

Subject: RE: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules

Ex. 5 - Deliberative Process; Attorney Client

From: Gunasekara, Mandy

Sent: Thursday, August 17, 2017 3:17 PM

To: Baptist, Erik <baptist.erik@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

Subject: RE: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules

Attached are mine and Brittany's edits. I simplified this. Let's go with the attached. Erik, can you do a quick scan and let us know of any concerns from your end?

From: Baptist, Erik

Sent: Thursday, August 17, 2017 3:04 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud,

Michael <abboud.michael@epa.gov>

Subject: RE: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules

Attached please find some suggested edits.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Gunasekara, Mandy

Sent: Thursday, August 17, 2017 12:23 PM

To: Hewitt, James <hewitt.james@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

Subject: RE: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules

I'm working on edits to the draft. Looping in Brittany and Erik as well.

From: Hewitt, James

Sent: Thursday, August 17, 2017 10:24 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>;
Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud,
Michael <abboud.michael@epa.gov>

Subject: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions
of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules

Mandy,

Please see the attached draft and let us know if you have any edits/additions.

James

James Hewitt

Environmental Protection Agency

Special Advisor for Public Affairs

(202) 578-6141

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Baptist, Erik
Sent: Thur 8/17/2017 7:05:14 PM
Subject: FW: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules
DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Hea....docx

Mandy and Brittany,

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Baptist, Erik

Sent: Thursday, August 17, 2017 3:04 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

Subject: RE: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules

Attached please find some suggested edits.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Gunasekara, Mandy

Sent: Thursday, August 17, 2017 12:23 PM

To: Hewitt, James <hewitt.james@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

Subject: RE: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules

I'm working on edits to the draft. Looping in Brittany and Erik as well.

From: Hewitt, James

Sent: Thursday, August 17, 2017 10:24 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>

Subject: FOR APPROVAL//DRAFT EPA and NHSTA Announce Intent to Revisit Provisions of Phase 2 Heavy-Duty Fuel Efficiency and CO2 Rules

Mandy,

Please see the attached draft and let us know if you have any edits/additions.

James

James Hewitt

Environmental Protection Agency

Special Advisor for Public Affairs

(202) 578-6141

To: Bolen, Brittany[bolen.brittany@epa.gov]; Lovell, Will (William)[lovell.william@epa.gov]
Cc: Nagelhout, Peter[Nagelhout.Peter@epa.gov]
From: McGartland, Al
Sent: Tue 12/12/2017 7:04:43 PM
Subject: Fwd: OTAQ's HD NOx background information briefing
DRAFT HD NOx briefing for EPA leadership Dec 2017 Current Version.pptx
ATT00001.htm

Peter Nagelhout in my office put together some reactions to the otaq briefing.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

From: "Naghelhout, Peter" <Naghelhout.Peter@epa.gov>
To: "McGartland, Al" <McGartland.Al@epa.gov>
Subject: FW: OTAQ's HD NOx background information briefing

Hello Al—a few quick observations about the attached briefing (forwarded to you earlier today):

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I hope this is helpful; please let me know if you'd like me to clarify or expand on anything here.

Thanks

Peter

From: Nagelhout, Peter

Sent: Tuesday, December 12, 2017 11:01 AM

To: McGartland, Al <McGartland.Al@epa.gov>
Subject: OTAQ's HD NOx background information briefing

Hello Al—attached is the HD NOx background information briefing that OTAQ shared. I'll forward anything I receive on HD streamlining.

Peter

To: Dunham, Sarah[Dunham.Sarah@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
From: Lewis, Josh
Sent: Wed 6/21/2017 8:38:10 PM
Subject: RE: Mobile Source
Glider Kit Background and HD Phase 2 Rule Provisions June 21 2017 v2.docx

Updated glider doc attached

From: Lewis, Josh
Sent: Wednesday, June 21, 2017 3:14 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Subject: RE: Mobile Source

Not Responsive; Ex. 5 - Deliberative Process

Attached is the glider kit 2-page backgrounder.

Josh

From: Dunham, Sarah
Sent: Wednesday, June 21, 2017 2:53 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Subject: RE: Mobile Source

Hi Mandy-

Not Responsive; Ex. 5 - Deliberative Process

know the meeting is still scheduled.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Not Responsive; Ex. 5 - Deliberative Process

has been prepared, although I have not seen it yet. We'll try to move it forward as quickly as possible.

Thanks

Sarah

From: Gunasekara, Mandy

Sent: Wednesday, June 21, 2017 2:34 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>

Cc: Bolen, Brittany <bolen.brittany@epa.gov>

Subject: Mobile Source

Hey Sarah,

Ex. 5 - Deliberative Process

Not Responsive; Ex. 5 - Deliberative Process

Thanks,

Mandy

To: Flynn, Mike[Flynn.Mike@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; White, Elizabeth[white.elizabeth@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Brown, Byron[brown.byron@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Haman, Patricia[Haman.Patricia@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Harlow, David[harlow.david@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Hull, George[Hull.George@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]
From: Treimel, Ellen
Sent: Thur 11/9/2017 3:27:28 PM
Subject: Glider Repeal Rule Proposal
[Proposed Rule - Repeal of Emissions Reqs for Gliders.pdf](#)

Good morning,

The Administrator has signed a proposed rule: Repeal of Emissions Requirements of Glider Vehicles, Glider engines, and Glider Kits. The full signed document is attached.

Please contact me with any questions.

Ellen Treimel, Special Assistant

Office of the Administrator

U.S. Environmental Protection Agency

WJC-N 3310

202-564-0557 (w)

703-667-0553 (c)

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-1430

September Term, 2017

EPA-81FR73478

Filed On: October 27, 2017

Truck Trailer Manufacturers Association, Inc.,

Petitioner

v.

Environmental Protection Agency, et al.,

Respondents

California Air Resources Board, et al.,

Intervenors

Consolidated with 16-1447

BEFORE: Henderson, Kavanaugh, and Millett, Circuit Judges

ORDER

Upon consideration of the motion to supplement the response, the response thereto, and the lodged supplement; the motion for stay pending judicial review, the responses thereto, and the reply; and the motion to continue abeyance, and the response thereto, it is

ORDERED that the motion to supplement be granted. The Clerk is directed to file the lodged supplement. It is

FURTHER ORDERED that the motion for stay be granted. The EPA Final Rule on review is hereby stayed insofar as it purports to regulate trailers. Petitioner has satisfied the stringent requirements for a stay pending court review. See Nken v. Holder, 556 U.S. 418, 434 (2009); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2017). It is

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-1430

September Term, 2017

FURTHER ORDERED that the motion to continue abeyance be granted. This case shall be held in abeyance pending further order of the court. The parties are directed to file status reports at 90-day intervals beginning 90 days from the date of this order.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Robert J. Cavello

Deputy Clerk

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 1037 and 1068

[EPA-HQ-OAR-2014-0827; FRL-9970-61-OAR]

RIN 2060-AT79

Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to repeal the emission standards and other requirements for heavy-duty glider vehicles, glider engines, and glider kits based on a proposed interpretation of the Clean Air Act (CAA) under which glider vehicles would be found not to constitute “new motor vehicles” within the meaning of CAA section 216(3), glider engines would be found not to constitute “new motor vehicle engines” within the meaning of CAA section 216(3), and glider kits would not be treated as “incomplete” new motor vehicles. Under this proposed interpretation, EPA would lack authority to regulate glider vehicles, glider engines, and glider kits under CAA section 202(a)(1).

DATES:

Comments: Comments on all aspects of this proposal must be received on or before January 5, 2018.

Public Hearing: EPA will hold a public hearing on Monday, December 4, 2017. The hearing will be held at EPA’s Washington, DC campus located at 1201 Constitution Avenue, NW,

Washington, DC. The hearing will start at 10:00 a.m. local time and continue until everyone has had a chance to speak. More details concerning the hearing can be found at <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks>.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2014-0827, at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/commenting-epa-dockets>.

Docket: All documents in the docket are listed on the www.regulations.gov web site. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in

hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the following location:

Air and Radiation Docket and Information Center, EPA Docket Center, EPA/DC, EPA WJC West Building, 1301 Constitution Ave., N.W., Room 3334, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: 734-214-4131; email address: hearing_registration-asd@epa.gov.

SUPPLEMENTARY INFORMATION:

Does this Action Apply to Me?

This action relates to a previously promulgated final rule that affects companies that manufacture, sell, or import into the United States glider vehicles. Proposed categories and entities that might be affected include the following:

Category	NAICS Code ^a	Examples of Potentially Affected Entities
Industry	336110	Motor Vehicle Manufacturers, Engine Manufacturers, Engine Parts Manufacturers, Truck Manufacturers, Automotive Parts and Accessories Dealers
	336111	
	336112	
	333618	
	336120	
	441310	

Note:

^a North American Industry Classification System (NAICS).

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely covered by these rules. This table lists the types of entities that we are aware may be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your activities are regulated by this action, you should carefully examine the applicability criteria in the referenced regulations. You may direct questions regarding the applicability of this action to the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Introduction

The basis for the proposed repeal of those provisions of the final rule entitled Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2 (the Phase 2 rule)¹ that apply to glider vehicles, glider engines, and glider kits is EPA’s proposed interpretation of CAA section 202(a)(1) and sections 216(2) and 216(3), which is discussed below. Under this proposed interpretation: 1) glider vehicles would not be treated as “new motor vehicles,” 2) glider engines would not be treated as “new motor vehicle engines,”

¹ 81 FR 73478 (October 25, 2016).

and 3) glider kits would not be treated as “incomplete” new motor vehicles. Based on this proposed interpretation, EPA would lack authority to regulate glider vehicles, glider engines, and glider kits under CAA section 202(a)(1).

This proposed interpretation is a departure from the position taken by EPA in the Phase 2 rule. There, EPA interpreted the statutory definitions of “new motor vehicle” and “new motor vehicle engines” in CAA section 216(3) as including glider vehicles and glider engines, respectively. The proposed interpretation also departs from EPA’s position in the Phase 2 rule that CAA section 202(a)(1) authorizes the Agency to treat glider kits as “incomplete” new motor vehicles.

It is settled law that EPA has inherent authority to reconsider, revise, or repeal past decisions to the extent permitted by law so long as the Agency provides a reasoned explanation. This authority exists in part because EPA’s interpretations of the statutes it administers “are not carved in stone.” *Chevron U.S.A. Inc. v. NRDC, Inc.* 467 U.S. 837, 863 (1984). If an agency is to “engage in informed rulemaking,” it “must consider varying interpretations and the wisdom of its policy on a continuing basis.” *Id.* at 863-64. This is true when, as is the case here, review is undertaken “in response to ... a change in administration.” *National Cable & Telecommunications Ass’n v. Brand X Internet Services*, 545 U.S. 967, 981 (2005). A “change in administration brought about by the people casting their votes is a perfectly reasonable basis for an executive agency’s reappraisal of the costs and benefits of its programs and regulations,” and so long as an agency “remains within the bounds established by Congress,” the agency “is entitled to assess administrative records and evaluate priorities in light of the philosophy of the

administration.” *Motor Vehicle Manufacturers Ass’n. v. State Farm Mutual Automobile Insurance Co.*, 463 U. S. 29, 59 (1983) (Rehnquist, J., concurring in part and dissenting in part).

After reconsidering the statutory language, EPA proposes to adopt a reading of the relevant provisions of the CAA under which the Agency would lack authority under CAA section 202(a)(1) to impose requirements on glider vehicles, glider engines, and glider kits and therefore proposes to remove the relevant rule provisions. At the same time, under CAA section 202(a)(3)(D), EPA is authorized to “prescribe requirements to control” the “practice of rebuilding heavy-duty engines,” including “standards applicable to emissions from any rebuilt heavy-duty engines.” 42 U.S.C. § 7521(a)(3)(D).² If the interpretation being proposed here were to be finalized, EPA’s authority to address heavy-duty engine rebuilding practices under CAA section 202(a)(3)(D) would not be affected.

II. Background

A. Factual Context

A glider vehicle (sometimes referred to simply as a “glider”) is a truck that utilizes a previously owned powertrain (including the engine, the transmission, and usually the rear axle) but which has new body parts. When these new body parts (which generally include the tractor chassis with frame, front axle, brakes, and cab) are put together to form the “shell” of a truck, the assemblage of parts is referred to collectively as a “glider kit.” The final manufacturer of the glider vehicle, *i.e.*, the entity that takes the assembled glider kit and combines it with the used

² EPA has adopted regulations that address engine rebuilding practices. *See, e.g.*, 40 CFR 1068.120. EPA is not proposing in this action to adopt additional regulatory requirements pursuant to 42 U.S.C. § 7521(a)(3)(D) that would apply to rebuilt engines installed in glider vehicles.

powertrain salvaged from a “donor” truck, is typically a different manufacturer than the original manufacturer of the glider kit. *See* 81 FR 73512-13 (October 25, 2016).

B. Statutory and Regulatory Context

Section 202(a)(1) of the CAA directs that EPA “shall by regulation prescribe,” in “accordance with the provisions” of section 202, “standards applicable to the emission of any air pollutant from any . . . new motor vehicles or new motor vehicle engines.” 42 U.S.C. § 7521(a)(1). CAA section 216(2) defines “motor vehicle” to mean “any self-propelled vehicle designed for transporting persons or property on a street or highway.” 42 U.S.C. § 7550(2). A “new motor vehicle” is defined in CAA section 216(3) to mean, as is relevant here, a “motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser.” 42 U.S.C. § 7550(3) (emphasis added). A “new motor vehicle engine” is similarly defined as an “engine in a new motor vehicle” or a “motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser.” *Id.*³

Comments submitted to EPA during the Phase 2 rulemaking stated that gliders are approximately 25% less expensive than new trucks,⁴ which makes them popular with small businesses and owner-operators.⁵ In contrast to an older vehicle, a glider requires less maintenance and yields less downtime.⁶ A glider has the same braking, lane drift devices, dynamic cruise control, and

³ The definitions of both “new motor vehicle” and “new motor vehicle engine” are contained in the same paragraph (3), reflecting the fact that “[w]henver the statute refers to ‘new motor vehicle’ the phrase is followed by ‘or new motor vehicle engine.’” *See Motor and Equipment Manufacturers Ass’n v. EPA*, 627 F.2d 1095, 1102 n.5 (D.C. Cir. 1979). As Title II currently reads, the term “new motor vehicle” appears some 32 times, and in all but two instances, the term is accompanied by “new motor vehicle engine,” indicating that, at the inception of Title II, Congress understood that the regulation of *engines* was essential to control emissions from “motor vehicles.”

⁴ Response to Comments for Joint Rulemaking, EPA-426-R-16-901 (August 2016) at 1846.

⁵ EPA-HQ-OAR-2014-0827-1964.

⁶ EPA-HQ-OAR-2014-0827-1005.

blind spot detection devices that are found on current model year heavy-duty trucks, making it a safer vehicle to operate, compared to the older truck that it is replacing.⁷

Some commenters questioned EPA's authority to regulate glider vehicles as "new motor vehicles," to treat glider engines as "new motor vehicle engines," or to impose requirements on glider kits. Commenters also pointed out what they described as the overall environmental benefits of gliders. For instance, one commenter stated that "rebuilding an engine and transmission uses 85% less energy than manufacturing them new."⁸ Another commenter noted that the use of glider vehicles "improves utilization and reduces the number of trucks required to haul the same tonnage of freight."⁹ This same commenter further asserted that glider vehicles utilizing "newly rebuilt engines" produce less "particulate, NOx, and GHG emissions . . . compared to [a] worn oil burning engine which is beyond its useful life."¹⁰

In the Phase 2 rule, EPA found that it was "reasonable" to consider glider vehicles to be "new motor vehicles" under the definition in CAA section 216(3). *See* 81 FR 73514 (October 25, 2016). Likewise, EPA found that the previously owned engines utilized by glider vehicles should be considered to be "new motor vehicle engines" within the statutory definition. Based on these interpretations, EPA determined that it had authority under CAA section 202(a) to subject glider vehicles and glider engines to the requirements of the Phase 2 rule. As for glider kits, EPA found that if glider vehicles are new motor vehicles, then the Agency was authorized to regulate glider kits as "incomplete" new motor vehicles. *Id.*

⁷ *Id.*

⁸ EPA-HQ-OAR-2014-0827-1964.

⁹ EPA-HQ-OAR-2014-0827-1005.

¹⁰ *Id.*

C. Petition for Reconsideration

Following promulgation of the Phase 2 rule, EPA received from representatives of the glider industry a joint petition requesting that the Agency reconsider the application of the Phase 2 rule to glider vehicles, glider engines, and glider kits.¹¹ The petitioners made three principal arguments in support of their petition. First, they argued that EPA is not authorized by CAA section 202(a)(1) to regulate glider kits, glider vehicles, or glider engines. Petition at 3-4. Second, the petitioners contended that in the Phase 2 rule EPA “relied upon unsupported assumptions to arrive at the conclusion that immediate regulation of glider vehicles was warranted and necessary.” *Id.* at 4. Third, the petitioners asserted that reconsideration was warranted under Executive Order 13783. *Id.* at 6.

The petitioners took particular issue with what they characterized as EPA’s having “assumed that the nitrogen oxide (‘NOx’) and particulate matter (‘PM’) emissions of glider vehicles using pre-2007 engines” would be “at least ten times higher than emissions from equivalent vehicles being produced with brand new engines.” Petition at 5, *citing* 81 FR 73942. According to the petitioners, EPA had “relied on no actual data to support this conclusion,” but had “simply relied on the pre-2007 standards.” *Id.* In support, the petitioners included as an exhibit to their petition a letter from the President of the Tennessee Technological University (“Tennessee Tech”), which described a study recently conducted by Tennessee Tech. This study, according to the petitioners, had “analyz[ed] the NOx, PM, and carbon monoxide . . . emissions from both

¹¹ See Petition for Reconsideration of Application of the Final Rule Entitled “Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2 Final Rule” to Gliders, from Fitzgerald Glider Kits, LLC; Harrison Truck Centers, Inc.; and Indiana Phoenix, Inc. (July 10, 2017) (Petition). Available in the rulemaking docket, EPA-HQ-OAR-2014-0827, and at <https://www.epa.gov/sites/production/files/2017-07/documents/hd-ghg-fr-fitzgerald-recons-petition-2017-07-10.pdf>.

remanufactured and OEM engines,” and “reached a contrary conclusion” regarding glider vehicle emissions. Petition at 5.

The petitioners maintained that the results of the study “showed that remanufactured engines from model years between 2002 and 2007 performed roughly on par with OEM ‘certified’ engines,” and “in some instances even out-performed the OEM engines.” *Id.* The petitioners further claimed that the Tennessee Tech research “‘showed that remanufactured and OEM engines experience parallel decline in emissions efficiency with increased mileage.’” *Id.*, *quoting* Tennessee Tech letter at 2. Based on the Tennessee Tech study, the petitioners asserted that “glider vehicles would emit less than 12% of the total NOx and PM emissions for all Class 8 heavy duty vehicles . . . not 33% as the Phase 2 Rule suggests.” *Id.*, *citing* 81 FR 73943.

Further, the petitioners complained that the Phase 2 rule had “failed to consider the significant environmental *benefits* that glider vehicles create.” Petition at 6 (emphasis in original). “Glider vehicle GHG emissions are less than those of OEM vehicles,” the petitioners contended, “due to gliders’ greater fuel efficiency,” and the “carbon footprint of gliders is further reduced by the savings created by recycling materials.” *Id.* The petitioners represented that “[g]lider assemblers reuse approximately 4,000 pounds of cast steel in the remanufacturing process,” including “3,000 pounds for the engine assembly alone.” *Id.* The petitioners pointed out that “[r]eusing these components avoids the environmental impact of casting steel, including the significant associated NOx emissions.” *Id.* This “fact,” the petitioners argued, is something that EPA should have been considered but was “not considered in the development of the Phase 2 rule.” *Id.*

EPA responded to the glider industry representatives' joint petition by separate letters on August 17, 2017, stating that the petition had "raise[d] significant questions regarding the EPA's authority under the Clean Air Act to regulate gliders."¹² EPA further indicated that it had "decided to revisit the provisions in the *Phase 2 Rule* that relate to gliders," and that the Agency "intends to develop and issue a Federal Register notice of proposed rulemaking on this matter, consistent with the requirements of the Clean Air Act."¹³

III. Basis for the Proposed Repeal

A. Statutory Analysis

EPA is proposing that the statutory interpretations on which the Phase 2 rule predicated its regulation of glider vehicles, glider engines, and glider kits were incorrect. EPA proposes an interpretation of the relevant language of the CAA under which glider vehicles are excluded from the statutory term "new motor vehicles" and glider engines are excluded from the statutory term "new motor vehicle engines," as both terms are defined in CAA section 216(3). Consistent with this interpretation of the scope of "new motor vehicle," EPA is further proposing that it has no authority to treat glider kits as "incomplete" new motor vehicles under CAA section 202(a)(1).

As was noted, a "new motor vehicle" is defined by CAA section 216(3) to mean, in relevant part, a "motor vehicle the equitable or legal title to which has never been transferred to an ultimate

¹² See, e.g., Letter from E. Scott Pruitt, EPA Administrator, to Tommy C. Fitzgerald, President, Fitzgerald Glider Kits (Aug. 17, 2017). Available in the rulemaking docket, EPA-HQ-OAR-2014-0827, and at <https://www.epa.gov/sites/production/files/2017-08/documents/hd-ghg-phase2-ttma-ltr-2017-08-17.pdf>.

¹³ *Id.*

purchaser.” 42 U.S.C. § 7550(3). In basic terms, a glider vehicle consists of the new components that make up a glider kit, into which a previously owned powertrain has been installed. Prior to the time a completed glider vehicle is sold, it can be said that the vehicle’s “equitable or legal title” has yet to be “transferred to an ultimate purchaser.” It is on this basis that the Phase 2 rule found that a glider vehicle fits within the definition of “new motor vehicle.” 81 FR 73514 (October 25, 2016).

EPA’s rationale for applying this reading of the statutory language was that “[g]lider vehicles are typically marketed and sold as ‘brand new’ trucks.” 81 FR 73514 (October 25, 2016). EPA took note of one glider kit manufacturer’s own advertising materials that represented that the company had “‘mastered the process of taking the ‘Glider Kit’ and installing the components to work seamlessly *with the new truck*.’” *Id.* (emphasis added in original). EPA stated that the “purchaser of a ‘new truck’ necessarily takes initial title to that truck.” *Id.* (citing statements on the glider kit manufacturer’s website). EPA rejected arguments raised in comments that “this ‘new truck’ terminology is a mere marketing ploy.” *Id.* Rather, EPA stated, “it obviously reflects reality.” *Id.*

In proposing a new interpretation of the relevant statutory language, EPA now believes that its prior reading was not the best reading, and that the Agency failed to consider adequately the most important threshold consideration: *i.e.*, whether or not Congress, in defining “new motor vehicle” for purposes of Title II, had a specific intent to include within the statutory definition such a thing as a glider vehicle — a vehicle comprised both of new *and* previously owned components. *See Chevron*, 467 U.S. at 843 n.9 (Where the “traditional tools of statutory

construction” allow one to “ascertain[] that Congress had an intention on the precise question at issue,” that “intention is the law and must be given effect.”). Where “Congress has not directly addressed the precise question at issue,” and the “statute is silent or ambiguous with respect to the specific issue,” it is left to the agency charged with implementing the statute to provide an “answer based on a permissible construction of the statute.” *Id.* at 843.

Focusing solely on that portion of the statutory definition that provides that a motor vehicle is considered “new” prior to the time its “equitable or legal title” has been “transferred to an ultimate purchaser,” a glider vehicle would appear to qualify as “new.” As the Supreme Court has repeatedly counseled, however, that is just the beginning of a proper interpretive analysis. The “definition of words in isolation,” the Court has noted, “is not necessarily controlling in statutory construction.” *See Dolan v. United States Postal Service*, 546 U.S. 481, 486 (2006). Rather, the “interpretation of a word or phrase depends upon reading the whole statutory text, considering the purpose and context of the statute,” and “consulting any precedents or authorities that inform the analysis.” *Id.* Similarly, in seeking to “determine congressional intent, using traditional tools of statutory construction,” the “*starting point* is the language of the statute.” *See Dole v. United Steelworkers of America*, 494 U.S. 26, 35 (1990) (emphasis added) (internal citation omitted). At the same time, “in expounding a statute,” one is not to be “guided by a single sentence or member of a sentence,” but is to “look to the provisions of the whole law, and to its object and policy.” *Id.* (internal citations omitted).

Assessed in light of these principles, it is clear that EPA’s reading of the statutory definition of “new motor vehicle” in the Phase 2 rule fell short. First, that reading failed to account for the

fact that, at the time this definition of “new motor vehicle” was enacted, it is likely that Congress did not have in mind that the definition would be construed as applying to a vehicle comprised of new body parts and a previously owned powertrain. The manufacture of glider vehicles to salvage the usable powertrains of trucks wrecked in accidents goes back a number of years.¹⁴ But only more recently – after the enactment of Title II – have glider vehicles been produced in any great number.

Furthermore, the concept of deeming a motor vehicle to be “new” based on its “equitable or legal title” not having been transferred to an “ultimate purchaser” appears to have originated with an otherwise unrelated federal statute that predated Title II by a few years – *i.e.*, the Automobile Information Disclosure Act of 1958, Pub. L. No. 85-506 (Disclosure Act).¹⁵ The history of Title II’s initial enactment and subsequent development indicates that, in adopting a definition of “new motor vehicle” for purposes of the Clean Air Act, Congress drew on the approach it had taken originally with the Disclosure Act.

Among other things, the Disclosure Act requires that a label be affixed to the windshield or side window of new automobiles, with the label providing such information as the Manufacturer’s Suggested Retail Price. *See* 15 U.S.C. § 1232 (“Every manufacturer of *new automobiles* distributed in commerce shall, prior to the delivery of any *new automobile* to any dealer, or at or prior to the introduction date of new models delivered to a dealer prior to such introduction date, securely affix to the windshield, or side window of *such automobile* a label”) (emphases added). The Disclosure Act defines the term “automobile” to “include[] any passenger car or

¹⁴ EPA-HQ-OAR-2014-0827-1964.

¹⁵ The provisions of the Disclosure Act are set forth at 15 U.S.C. §§ 1231-1233.

station wagon,” and defines the term “new automobile” to mean “an automobile the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.” *See* 15 U.S.C. § 1231(c), (d).

In 1965, Congress amended the then-existing Clean Air Act, and for the first time enacted provisions directed at the control of air pollution from motor vehicles. *See* Clean Air Act Amendments of 1965, Pub. L. 89-272 (1965 CAA). Included in the 1965 CAA was a brand new Title II, the “Motor Vehicle Air Pollution Control Act,” the structure and language of which largely mirrored key provisions of Title II as it exists today. Section 202(a) of the 1965 CAA provided that the “Secretary [of what was then the Department of Health, Education and Welfare] shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe . . . standards applicable to the emission of any kind of substance, from any class or classes of *new motor vehicles or new motor vehicle engines*, which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons” Pub. L. 89-272, 79 Stat. 992 (emphasis added).

Section 208 of the 1965 CAA defined “motor vehicle” in terms identical to those in the CAA today: “any self-propelled vehicle designed for transporting persons or property on a street or highway.” Pub. L. 89-272, 79 Stat. 995. The 1965 CAA defined “new motor vehicle” and “new motor vehicle engine” to mean, as relevant here, “a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser; and the term ‘new motor vehicle engine’” to mean “an engine in a new motor vehicle or a motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser.” *Id.* Again, in relevant

part, the 1965 CAA definitions of these terms were identical to those that currently appear in CAA section 216(3).

While the legislative history of the 1965 CAA does not expressly indicate that Congress based its definition of “new motor vehicle” on the definition of “new automobile” first adopted by the Automobile Information Disclosure Act of 1958, it seems clear that such was the case. The statutory language of the two provisions is identical in all pertinent respects,¹⁶ and there appears to be no other federal statute, in existence prior to enactment of the 1965 CAA, from which Congress could have derived that terminology.

Subsequently, the statutory language from the 1965 CAA, defining the terms “motor vehicle,” “new motor vehicle,” “new motor vehicle engine,” “ultimate purchaser,” and “manufacturer” was incorporated verbatim in the Air Quality Act of 1967 (1967 AQA). *See* Pub. L. No. 148, 81 Stat. 503. The Clean Air Act Amendments of 1970 (1970 CAAA) did not change those definitions, except to add the language regarding “vehicles or engines imported or offered for importation” that currently appears in CAA section 216(3). *See* Pub. L. No. 91-604, 84 Stat. 1694, 1703.¹⁷

¹⁶ Further, the 1965 CAA’s definition of “ultimate purchaser,” as set forth in section 208(5), for the most part tracks the Disclosure Act’s earlier-enacted definition: “The term ‘ultimate purchaser’ means, with respect to any new automobile, the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases such new automobile for purposes other than resale.” *Compare* 1965 CAA section 208(5), Pub. L. 89-272, 79 Stat. 995 *with* 15 U.S.C. § 1231(g). Such is the case, too, with respect to the 1965 CAA’s definition of “manufacturer.” *Compare* 1965 CAA section 208(1), Pub. L. 89-272, 79 Stat. 994-995 *with* 15 U.S.C. § 1231(a).

¹⁷ The legislative history of both the 1967 AQA and 1977 CAAA is silent with respect to the origin of Title II’s definitions of “new motor vehicle,” “new motor vehicle engine,” “ultimate purchaser,” and “manufacturer,” which further underscores that Congress had originally derived those definitions from the Disclosure Act.

The fact that Congress, in first devising the CAA's definition of "new motor vehicle" for purposes of Title II, drew on the pre-existing definition of "new automobile" in the Automobile Information Disclosure Act of 1958 serves to illuminate congressional intent. As with the Disclosure Act, Congress in the 1965 CAA selected the point of first transfer of "equitable or legal title" to serve as a bright line – *i.e.*, to distinguish between those "new" vehicles (and engines) that would be subject to emission standards adopted pursuant to CAA section 202(a)(1) and those existing vehicles that would not be subject. Insofar as the 1965 CAA definition of "new motor vehicle" was based on the Disclosure Act definition of "new automobile," it would seem clear that Congress intended, for purposes of Title II, that a "new motor vehicle" would be understood to mean something equivalent to a "new automobile" – *i.e.*, a true "showroom new" vehicle. It is implausible that Congress would have had in mind that a "new motor vehicle" might also include a vehicle comprised of new body parts and a previously owned powertrain.

Given this, EPA does not believe that congressional intent as to the meaning of the term "new motor vehicle" can be clearly ascertained on the basis of an isolated reading of a few words in the statutory definition, where that reading is divorced from the structure and history of the CAA as a whole. Based on that structure and history, it seems likely that Congress understood a "new motor vehicle," as defined in CAA § 216(3), to be a vehicle comprised entirely of new parts and certainly not a vehicle with a used engine. At a minimum, ambiguity exists. This leaves EPA with the task of providing an "answer based on a permissible construction of the statute."

Chevron, 467 U.S. at 843.

1. *Glider vehicles*

EPA is proposing to interpret “new motor vehicle,” as defined in CAA § 216(3), as not including glider vehicles. This is a reasonable interpretation – and commonsense would agree – insofar as it takes account of the reality that significant elements of a glider vehicle (*i.e.*, the powertrain elements, including the engine and the transmission) are previously owned components. Under the Phase 2 rule’s interpretation, in contrast, the act of installing a previously owned powertrain into a glider kit – *i.e.*, something that, as is explained further below, is not a “motor vehicle” as defined by the CAA – results in the creation of a *new* “motor vehicle.” EPA believes that Congress, in adopting a definition of “new motor vehicle” for purposes of Title II, never had in mind that the statutory language would admit of such a counterintuitive result.

In other words, EPA now believes that, in defining “new motor vehicle,” Congress did not intend that a vehicle comprised of a new outer shell conjoined to a previously owned powertrain should be treated as a “new” vehicle, based solely on the fact that the vehicle may have been assigned a new title following assembly. In this regard, insofar as Title II’s regulatory regime was at its inception directed at the emissions produced by new vehicle *engines*,¹⁸ it is not at all clear that Congress intended that Title II’s reach should extend to a vehicle whose outer parts may be “new” but whose engine was previously owned.

2. *Glider engines*

EPA proposes to find that, since a glider vehicle does not meet the statutory definition of a “new motor vehicle,” it necessarily follows that a glider engine is not a “new motor vehicle engine” within the meaning of CAA section 216(3). Under that provision, a motor vehicle engine is deemed to be “new” in either of two circumstances: 1) the engine is “in a new motor vehicle,” or

¹⁸ See footnote 3, *supra*.

2) the “equitable or legal title” to the engine has “never been transferred to the ultimate purchaser.” The second of these circumstances can never apply to a glider engine, which is invariably an engine that has been previously owned.

As to the first circumstance, a glider engine is installed in a glider kit, which in itself is not a “motor vehicle.” A glider kit becomes a “motor vehicle” only after an engine (and the balance of the powertrain) has been installed. But while adding a previously owned engine to a glider kit may result in the creation of a “motor vehicle,” the assertion that the previously owned engine thereby becomes a “*new* motor vehicle engine” within the meaning of CAA section 216(3), due to the engine’s now being in a “new motor vehicle,” reflects circular thinking. It presupposes that the installation of a (previously owned) engine in a glider kit creates not just a “motor vehicle” but a “new motor vehicle.” EPA is proposing to interpret the relevant statutory language in a manner that rejects the Agency’s prior reliance on the view that 1) installing a previously owned engine in a glider kit transforms the glider kit into a “new motor vehicle,” and 2) that, thereafter, the subsequent presence of that previously owned engine in the supposed “new motor vehicle” transforms that engine into a “new motor vehicle engine” within the meaning of CAA section 216(3).

3. *Glider kits*

Under EPA’s proposed interpretation, EPA would have no authority to regulate glider kits under CAA section 202(a)(1). If glider vehicles are not “new motor vehicles,” which is the interpretation of CAA section 216(3) that EPA is proposing here, then the Agency lacks authority to regulate glider kits as “incomplete” new motor vehicles. Further, given that a glider kit lacks a powertrain, a glider kit does not explicitly meet the definition of “motor vehicle,”

which, in relevant part, is defined to mean “any *self-propelled* vehicle.” 42 U.S.C § 7550(2) (emphasis added). It is not obvious that a vehicle without a motor could constitute a “motor vehicle.”

4. *Issues for which EPA seeks comment*

EPA believes that its proposed interpretation is the most reasonable reading of the relevant statutory language, and that its proposed determination, based on this interpretation, that regulation of glider vehicles, glider engines, and glider kits is not authorized by CAA section 202(a)(1) is also reasonable. EPA seeks comment on this interpretation.

Comments submitted in the Phase 2 rulemaking docket lead EPA to believe that a glider vehicle is often a suitable option for those small businesses and independent operators who cannot afford to purchase a new vehicle, but who wish to replace an older vehicle with a vehicle that is equipped with up-to-date safety features. EPA solicits comment and further information as to this issue. EPA also solicits comment and information on whether limiting the availability of glider vehicles could result in older, less safe, more-polluting trucks remaining on the road that much longer. EPA particularly seeks information and analysis addressing the question whether glider vehicles produce significantly fewer emissions overall compared to the older trucks they would replace.

EPA also seeks comment on the matter of the anticipated purchasing behavior on the part of the smaller trucking operations and independent drivers if the regulatory provisions at issue were to

repealed. Further, EPA seeks comment on the relative expected emissions impacts if the regulatory requirements at issue here were to be repealed or were to be left in place.

Finally, EPA seeks comment on whether, if the Agency were to determine not to adopt the interpretation of CAA sections 202(a)(1) and 216(3) being proposed here, EPA should nevertheless revise the “interim provisions” of Phase 2 rule, 40 CFR 1037.150(t)(1)(ii), to increase the exemption available for small manufacturers above the current limit of 300 glider vehicles per year. EPA seeks input on how large an increase would be reasonable, were the Agency to increase the limit in taking final action. Further, EPA seeks comment on whether, if the Agency were to determine not to adopt the statutory interpretation being proposed here, EPA should nevertheless extend by some period of time the date for compliance for glider vehicles, glider engines, and glider kits set forth in 40 CFR 1037.635. EPA seeks comment on what would be a reasonable extension of the compliance date.

B. Conclusion

EPA has a fundamental obligation to ensure that the regulatory actions it takes are authorized by Congress, and that the standards and requirements that it would impose on the regulatory community have a sound and reasonable basis in law. EPA is now proposing to find that the most reasonable reading of the relevant provisions of the CAA, including CAA sections 202(a)(1), 216(2), and 216(3) is that glider vehicles should not be regulated as “new motor vehicles,” that glider engines should not be regulated as “new motor vehicle engines,” and that glider kits should not be regulated as “incomplete” new motor vehicles. Based on this proposed interpretation, EPA is proposing to repeal those provisions of the Phase 2 rule applicable to glider vehicles, glider engines, and glider kits.

IV. Public Participation

We request comment by January 5, 2018 on all aspects of this proposal. This section describes how you can participate in this process.

Materials related to the Heavy-Duty Phase 2 rulemaking are available in the public docket noted above and at: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks>.

1. How Do I Prepare and Submit Information?

Direct your submittals to Docket ID No. EPA-HQ-OAR-2014-0827. EPA's policy is that all submittals received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the submittal includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Do not submit information to the docket that you consider to be CBI or otherwise protected through www.regulations.gov. The www.regulations.gov web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your submittal. If you submit an electronic submittal, EPA recommends that you include your name and other contact information in the body of your submittal and with any disk or CD-ROM you submit. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

EPA will hold a public hearing on the date and at the location stated in the DATES Section. To attend the hearing, individuals will need to show appropriate ID to enter the building. The hearing will start at 10:00 a.m. local time and continue until everyone has had a chance to speak. More details concerning the hearing can be found at <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks>.

2. Submitting CBI

Do not submit this information to EPA through www.regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI). In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

3. Tips for Preparing Your Comments

When submitting comments, remember to:

- Identify the action by docket number and other identifying information (subject heading, Federal Register date and page number).
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient

detail to allow for it to be reproduced.

- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified in the DATES section above.

V. Statutory and Executive Order Reviews

(1) Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket.

(2) Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is expected to be an Executive Order 13771 deregulatory action. This proposed rule is expected to provide meaningful burden reduction by eliminating regulatory requirements for glider manufacturers.

(3) Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because it does not contain any information collection activities. It would only eliminate regulatory requirements for glider manufacturers.

(4) Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any

significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule. Small glider manufacturers would be allowed to produce glider vehicles without meeting new motor vehicle emission standards. We have therefore concluded that this action will have no adverse regulatory impact for any directly regulated small entities.

(5) Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments.

(6) Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

(7) Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This proposed rule will be implemented at the Federal level and affects glider manufacturers. Thus, Executive Order 13175 does not apply to this action.

(8) Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866. However, the Emission Requirements

for Glider Vehicles, Glider Engines, and Glider Kits was anticipated to lower ambient concentrations of PM_{2.5} and some of the benefits of reducing these pollutants may have accrued to children. Our evaluation of the environmental health or safety effects of these risks on children is presented in Section XIV.H. of the HD Phase 2 Rule.¹⁹ Some of the benefits for children's health as described in that analysis would be lost as a result of this action.

In general, current expectations about future emissions of pollution from these trucks is difficult to forecast given uncertainties in future technologies, fuel prices, and the demand for trucking. Furthermore, the proposed action does not affect the level of public health and environmental protection already being provided by existing NAAQS and other mechanisms in the CAA. This proposed action does not affect applicable local, state, or federal permitting or air quality management programs that will continue to address areas with degraded air quality and maintain the air quality in areas meeting current standards. Areas that need to reduce criteria air pollution to meet the NAAQS will still need to rely on control strategies to reduce emissions. To the extent that states use other mechanisms in order to comply with the NAAQS, and still achieve the criteria pollution reductions that would have occurred under the CPP, this proposed rescission will not have a disproportionate adverse effect on children's health.

(9) Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a "significant energy action" because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

¹⁹ 81 FR 73478 (October 25, 2016).

(10) National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

(11) Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations, and Low-Income Populations

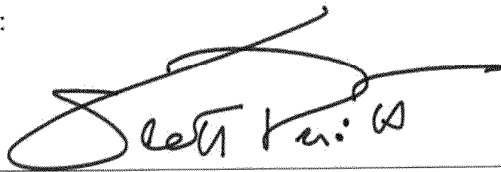
Pursuant to Executive Order 12898 (59 FR 7629, February 16, 1994), EPA considered environmental justice concerns of the final HD Phase 2 rule. EPA's evaluation of human health and environmental effects on minority, low-income or indigenous populations for the final HD Phase 2 rule is presented in the Preamble, Section VIII.A.8 and 9 (81 FR 73844-7, October 25, 2016). We have not evaluated the impacts on minority, low-income or indigenous populations that may occur as a result of the proposed action to rescind emissions requirements for heavy-duty glider vehicles and engines. EPA likewise has not considered the economic and employment impacts of this rule specifically as they relate to or might impact minority, low-income and indigenous populations.

List of Subjects in 40 CFR Parts 1037 and 1068

Environmental protection, Administrative practice and procedure, Air pollution control,
Confidential business information, Labeling, Motor vehicle pollution, Reporting and
recordkeeping requirements, Warranties.

NOV 09 2017

Dated:

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as set forth below.

PART 1037—CONTROL OF EMISSIONS FROM NEW HEAVY-DUTY MOTOR VEHICLES

1. The authority for part 1037 continues to read as follows:

Authority: 42 U.S.C. 7401—7671q.

Subpart B – [Amended]

2. Section 1037.150 is amended by removing and reserving paragraph (t) as follows:

§1037.150 Interim provisions.

* * * * *

(t) [Reserved]

* * * * *

Subpart G – [Amended]

§1037.635 [Removed]

3. Section 1037.635 is removed.

Subpart I – [Amended]

4. Section 1037.801 is amended by removing the definitions “glider kit” and “glider vehicle” and revising the definitions of “manufacturer” and “new motor vehicle” to read as follows:

§ 1037.801 Definitions.

* * * * *

Manufacturer has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures or assembles a vehicle (including a trailer or another incomplete vehicle) for sale in the United States or otherwise introduces a new motor vehicle into commerce in the United States. This includes importers who import vehicles for resale.

* * * * *

New motor vehicle has the meaning given in the Act. It generally means a motor vehicle meeting the criteria of either paragraph (1) or (2) of this definition. New motor vehicles may be complete or incomplete.

(1) A motor vehicle for which the ultimate purchaser has never received the equitable or legal title is a new motor vehicle. This kind of vehicle might commonly be thought of as “brand new” although a new motor vehicle may include previously used parts. Under this definition, the vehicle is new from the time it is produced until the ultimate purchaser receives the title or places it into service, whichever comes first.

(2) An imported heavy-duty motor vehicle originally produced after the 1969 model year is a new motor vehicle.

* * * * *

5. The authority for part 1068 continues to read as follows:

Authority: 42 U.S.C. 7401—7671q.

Subpart B – [Amended]

6. Section 1068.120 is amended by revising paragraph (f)(5) to read as follows:

§1068.120 Requirements for rebuilding engines.

* * * * *

(f) * * *

(5) The standard-setting part may apply further restrictions to situations involving installation of used engines to repower equipment.

* * * * *



McMahon TRUCK CENTERS

3609 Trailer Drive • Charlotte, NC 28269 • 704.597.1240

October 17, 2017

The Honorable Scott Pruitt

Administrator

Environmental Protection Agency

Office of the Administrator 1101A

1200 Pennsylvania Avenue, NW

Washington, DC 20460

My brother, Brad, and I are private business owners with Heavy Duty, Class 8 Dealerships in Nashville, TN, Charlotte, NC, Rock Hill, SC, Columbus, OH and Marietta, OH. I ask you to keep the volume cap on "glider vehicles" as written in the final Greenhouse Gas Phase 2 regulation.

Simply, glider vehicles are sold against us but with an unfair competitive advantage.

Environmental Disadvantage: Today's new trucks meet US '10 emission levels by the installation of expensive "chemical factories" behind the engine (the SCR and DPF) that glider kits avoid to compete. As environmentally minded business owners, selling state of the art products that comply with EPA's strict emissions standards, ***Keeping the Cap*** is NOT a cutting back of the old beaurocratic "red tape" of over-regulation. Also, removing the cap does NOT help everyday Americans get ahead to a brighter future by allowing the re-running of yesterday's technology. Rather, ***Keeping the Cap*** is reasonable stewardship of ***Keeping*** with the spirit and intent of the rules as they are written.

Income and Tax Disadvantage: We are required to pay a 12% Federal excise tax on the sale price of every truck we sell. Glider Vehicles may not have to pay the excise tax. This tax is used to fund the Federal highway trust fund which helps pay for our roads and bridges. Ultimately, we are at a 12% unfair price disadvantage on the vehicles we sell to build highway infrastructure.

We have lost sales in every state in which we operate to glider vehicles, and it has NEGATIVELY impacted our business. It is quickly estimated that we have lost approximately \$10MUS per year in truck sales including the related \$1.2MUS in FET that is not going into the highway trust fund.

Very plainly, ***Keeping the Cap*** helps level the playing field so that we can compete fairly.

Thank you very much for the great attention you are paying to this important matter. If you have any additional questions, feel free to contact me at mmcmahon@mcmahontrucks.com.

Very truly yours,

Mike McMahon
President & CEO



The Honorable Scott Pruitt

Administrator

Environmental Protection Agency

Office of the Administrator 1101A

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Cc:

Mandy Gunasekara, Senior Advisor to the Administrator (by email) Gunasekara.Mandy@epa.gov

Erik Baptist, Senior Deputy General Counsel (by email) baptist.erik@epa.gov

As a private business owner with operations in Fargo, Grand Forks, Bismarck, Dickinson and Williston, ND and Omaha, Lincoln, Lexington and Norfolk, NE I ask you to keep the volume cap on "glider vehicles" as written in the final Greenhouse Gas Phase 2 regulation.

Simply, glider vehicles are sold against us but with an unfair competitive advantage.

Today's new trucks meet US '10 emission levels by the installation of an expensive "chemical factory" behind the engine (the SCR and DPF). Because gliders vehicles don't meet the current emission standards, they avoid these expensive "chemical factories" that we, as conscientious business owners complying with EPA's strict emissions standards, provide our customers with the least amount of emissions possible.

Also, we are required to pay a 12% Federal excise tax on the sales price for every truck we sell. Glider Vehicles may not have to pay the excise tax. This tax is used to fund the Federal highway trust fund

which helps pay for our roads and bridges. So, we are at a 12% unfair price disadvantage and the vehicles we sell to build highway infrastructure is impacted as the fund is lessened with every glider vehicle sold.

I have lost sales to glider vehicles and it negatively impacts my business. I simply want a level playing field so that we can fairly compete.

Please feel free to contact me at kwu@rdotc.com.

Kenneth Useldinger



President

RDO Truck Centers

3401 38th Street South Fargo, ND 58104



E. SCOTT PRUITT
ADMINISTRATOR

August 17, 2017

Mr. Tommy C. Fitzgerald
President
Fitzgerald Glider Kits
1225 Livingston Highway
Birdstown, Tennessee 38549

Dear Mr. Fitzgerald:

Thank you for your letter of July 10, 2017, requesting that the U.S. Environmental Protection Agency reconsider the requirements for gliders under the final rule titled *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2* (81 FR 73478, October 25, 2016) (*Phase 2 Rule*). Your letter raises legitimate questions regarding the EPA's authority under the Clean Air Act to regulate gliders as well as the soundness of the EPA's technical analysis used to support the requirements.

More specifically, your letter states that the EPA lacks authority over glider *vehicles* because they are not "new" motor vehicles and glider *kits* because they do not fall within the Clean Air Act's definition of "motor vehicle." In addition, it also raises concerns that the EPA relied upon "unsupported assumptions rather than data" with regard to the emission impacts of glider vehicles.

In light of these issues, the EPA has decided to revisit the provisions in the *Phase 2 Rule* that relate to gliders. We intend to develop and issue a Federal Register notice of proposed rulemaking on this matter, consistent with the requirements of the Clean Air Act.

If you have any questions regarding this response, you may contact Bill Charmley in the Office of Transportation and Air Quality at (734) 214-4466.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over a horizontal line. Below the signature, the name "E. Scott Pruitt" is printed in a standard font.

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

August 17, 2017

Mr. Dane Keener
Indiana Phoenix Inc.
200 Dekko Drive
Avilla, Indiana 46710

Dear Mr. Keener:

Thank you for your letter of July 10, 2017, requesting that the U.S. Environmental Protection Agency reconsider the requirements for gliders under the final rule titled *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2* (81 FR 73478, October 25, 2016) (*Phase 2 Rule*). Your letter raises legitimate questions regarding the EPA's authority under the Clean Air Act to regulate gliders as well as the soundness of the EPA's technical analysis used to support the requirements.

More specifically, your letter states that the EPA lacks authority over glider *vehicles* because they are not "new" motor vehicles and glider *kits* because they do not fall within the Clean Air Act's definition of "motor vehicle." In addition, it also raises concerns that the EPA relied upon "unsupported assumptions rather than data" with regard to the emission impacts of glider vehicles.

In light of these issues, the EPA has decided to revisit the provisions in the *Phase 2 Rule* that relate to gliders. We intend to develop and issue a Federal Register notice of proposed rulemaking on this matter, consistent with the requirements of the Clean Air Act.

If you have any questions regarding this response, you may contact Bill Charmley in the Office of Transportation and Air Quality at (734) 214-4466.

Respectfully Yours,



E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

August 17, 2017

Mr. Dustin Petersen
Harrison Truck Centers Inc.
3601 Adventureland Drive
Altoona, Iowa 50009

Dear Mr. Petersen:

Thank you for your letter of July 10, 2017, requesting that the U.S. Environmental Protection Agency reconsider the requirements for gliders under the final rule titled *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2* (81 FR 73478, October 25, 2016) (*Phase 2 Rule*). Your letter raises legitimate questions regarding the EPA's authority under the Clean Air Act to regulate gliders as well as the soundness of the EPA's technical analysis used to support the requirements.

More specifically, your letter states that the EPA lacks authority over glider *vehicles* because they are not "new" motor vehicles and glider *kits* because they do not fall within the Clean Air Act's definition of "motor vehicle." In addition, it also raises concerns that the EPA relied upon "unsupported assumptions rather than data" with regard to the emission impacts of glider vehicles.

In light of these issues, the EPA has decided to revisit the provisions in the *Phase 2 Rule* that relate to gliders. We intend to develop and issue a Federal Register notice of proposed rulemaking on this matter, consistent with the requirements of the Clean Air Act.

If you have any questions regarding this response, you may contact Bill Charmley in the Office of Transportation and Air Quality at (734) 214-4466.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over a horizontal line. Below the signature, the name "E. Scott Pruitt" is printed in a standard font.

E. Scott Pruitt



**Nuss Truck & Equipment
Corporate Office**

6500 US Hwy 63 South
Rochester, MN 55904
507-288-9488 / 800-562-1505
Fax 507-424-4156
www.nussgrp.com

October 14, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Honorable Scott Pruitt,

I am writing to you as a private business owner of eight truck and equipment dealerships in both Minnesota and Wisconsin, to address the subject of heavy duty truck "glider kits". I ask you to keep the volume cap on "glider kits", as written in the final Greenhouse Gas Phase 2 regulation.

All of today's new heavy duty diesel trucks meet US'10 emissions levels with the installation of very expensive (almost \$40,000, per truck) exhaust emission reduction equipment that includes diesel particulate filter (DPF) and selective catalytic reduction (SCR) that also uses diesel exhaust fluid (DEF) to reduce the final emissions. The air coming out of today's diesel engine exhaust pipe is almost as clean the air going in the intake. Most of the trucking industry fleets and operators are conscientious owners complying with EPA's strict emissions standards. Together with truck engine manufacturers, truck dealers and leasing companies, most of the industry wants to have clean emissions for our children and our country, now and in the future. However, the "glider kits" are a way to avoid complying with today's emission mandates. They use recycled diesel engines that many times are from the 1990's, or earlier.

Also, we are required to pay a 12% Federal Retail Excise tax on the sales price of every heavy duty truck that we sell. Glider kits may not have to pay the excise tax, if they were assembled under the IRS 75% rule. Glider kits were originally designed to rebuild an individual truck that had been wrecked or needed a new cab, or frame rails. They were to include two out of three major components from the original truck. In other words, the engine, transmission and rear drive axle components were to be harvested from a specific truck into a specific glider kit for a specific owner. When glider kits were first introduced back in the 1970's, no one was assembling them to avoid diesel emissions standards. Today there are a few assemblers who are building "glider kits" into completed trucks and calling them like new trucks, but without complying with emission standards. Glider kit assemblers aren't creating new jobs; they are taking jobs away from new truck manufacturers and truck dealers who have no interest in skirting our U.S. diesel emissions standards. I know that our company has some customers who used to buy new trucks, but are now buying glider kits to avoid emissions compliance. We hope that those customers will eventually buy new trucks to help clean air, once glider kit production is slowed down.

Cont'd

BURNSVILLE • DULUTH • EAU CLAIRE • MANKATO • ROCHESTER • ROSEVILLE • ST. CLOUD

I find it quite interesting that our government has made Volkswagen comply with new diesel emissions standards and has levied multi-billion dollar fines on the VW 2.0 and 3.0L engines. I agree with the decision to enforce our air quality standards on every engine manufacturer. So why do we even want to think about relaxing compliance standards on "glider kits"? If we enforce the requirements to reduce "glider kit" assembly to just what their original intention was to re-build a specific wrecked truck and that truck will need to have current emissions compliance, then more new heavy duty trucks with new diesel engines will result in cleaner air quality for all.

Our dealership group represents Volvo Trucks North America and Mack Trucks, both of which have chosen not to offer glider kits that are used to avoid our current diesel emissions standards. The other large volume manufacturer that does not offer glider kits is International.

We have lost new truck sales to glider kits and it negatively impacts our business. We have quoted new trucks to small fleets in our markets that have elected to purchase glider kits to avoid emissions standards. They are not furnishing the components from their own worn out or wrecked trucks, they are just avoiding emissions. We know that these trucks owners are within their right to purchase glider kits today, but we just want to level the playing field so that we can fairly compete.

The obsolete diesel engines that don't meet today's emissions standards need to be scrapped as the trucks wear out, or the engines are no longer usable. We need to replace the obsolete diesel engines with new emissions compliant diesel engines that are installed in new complete trucks that offer new safety standards.

Thank you for considering my request and hopefully you will support my recommendation.

If you have any questions, please contact me at rnuss@nussgrp.com

Thank you,

NUSS TRUCK & EQUIPMENT

ROBERT W. NUSS

Robert W. Nuss
President

AMERICAN TRUCK DEALER OF THE YEAR - 2017

Cc: Many Gunasekara, Senior Advisor to the Administrator, Gunasekara.Mandy@epa.gov
Erik Baptist, Senior Deputy General Counsel, Baptist.erik@epa.gov



BURNSVILLE • DULUTH • EAU CLAIRE • MANKATO • ROCHESTER • ROSEVILLE • ST. CLOUD



October 13, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Cc: Mandy Gunasekara, Senior Advisor to the Administrator [by email] Gunasekara.Mandy@epa.gov
Erik Baptist, Senior Deputy General Counsel [by email] baptist.erik@epa.gov

I am a private business owner with operations in Sauk Rapids, MN, Elk River, MN, Des Moines, IA, Cedar Rapids, IA, and Waterloo, IA, that employs 275 people. In order for our business to be successful, and keep these people employed, we must be competitive in selling heavy duty trucks. I ask you to keep the volume cap on "glider vehicles" as written in the final Greenhouse Gas Phase 2 regulation.

Simply, glider vehicles are sold against us but with an unfair competitive advantage.

Today's new trucks meet US '10 emission levels by the installation of an expensive "chemical factory" behind the engine [the SCR and DPF]. Because gliders vehicles don't meet the current emission standards, they avoid these expensive "chemical factories" that we, as conscientious business owners complying with EPA's strict emissions standards, provide our customers with the least amount of emissions possible.

Also, we are required to pay a 12% Federal excise tax on the sales price for every truck we sell. Glider Vehicles may not have to pay the excise tax. This tax is used to fund the Federal highway trust fund which helps pay for our roads and bridges. So, we are at a 12% unfair price disadvantage and the vehicles we sell to build highway infrastructure is impacted as the fund is lessened with every glider vehicle sold.

I have lost sales to glider vehicles and it negatively impacts my business. I simply want a level playing field so that we can fairly compete.

Please feel free to contact me at bneitzke@gatr.net.

Sincerely,

Robert A. Neitzke
CEO

218 Stearns Drive
Sauk Rapids, MN 56379
P: 320-251-7356

10743 168th Circle NW
Elk River, MN 55330
P: 763-441-2205

700 29th Ave. SW
Cedar Rapids, IA 52404
P: 319-298-1000

5325 NE 14th Street
Des Moines, IA 50313
P: 515-263-3600

955 West Airline Hwy
Waterloo, IA 50703
P: 319-233-6741

1-800-771-GATR www.gatr.net

To: Cullen, Angela[cullen.angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Mon 10/30/2017 4:27:29 PM
Subject: DRAFT- email from Charmley to Tennessee Tech to initiate a dialogue on the Tennessee Tech glider test program
Draft, email to Tennessee Tech, October 30, 2017.docx

Dear all –

Ex. 5 - Deliberative Process

If possible, please send me any comments by COB today, and I will send this on Tuesday.

Thanks

Bill

To: Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Mon 10/30/2017 2:43:18 PM
Subject: FW: Revised draft of glider NPRM
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - Rev6.docx

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

If it is possible to create a redline/strikeout of this that would be helpful.

Thanks

Bill

From: Dunham, Sarah
Sent: Monday, October 30, 2017 10:40 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: FW: Revised draft of glider NPRM

From: Harlow, David
Sent: Monday, October 30, 2017 10:33 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: FW: Revised draft of glider NPRM

Ex. 5 - Deliberative Process

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Monday, October 30, 2017 10:31 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>;
Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thank you.

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Mon 10/30/2017 2:12:13 PM
Subject: FW: Revised draft of gliders NPRM
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - Rev5.docx

Dear all –

Here is an updated, internal to EPA draft of the glider NPRM from David Harlow within the OAR front office.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Dunham, Sarah
Sent: Friday, October 27, 2017 7:00 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: Fwd: Revised draft of gliders NPRM

Sent from my iPhone

Begin forwarded message:

From: "Harlow, David" <harlow.david@epa.gov>
Date: October 27, 2017 at 6:45:24 PM EDT
To: "Baptist, Erik" <baptist.erik@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Cc: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: Revised draft of gliders NPRM

Ladies and gentlemen,

Attached for your review and comment is the revised draft of the gliders NPRM (now styled as "Rev5").

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thank you.

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
Cc: Moulis, Charles[moulis.charles@epa.gov]
From: Sargeant, Kathryn
Sent: Wed 10/25/2017 4:45:24 PM
Subject: FW: Additional info on Glider NPRM Interagency review

From: Sutton, Tia
Sent: Wednesday, October 25, 2017 12:43 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>
Subject: Additional info on Glider NPRM Interagency review

Hi all,

Just wanted to pass along some info that Chad just mentioned to me:

Ex. 5 - Deliberative Process; Attorney Client

Thanks,

Tia

From: Hengst, Benjamin

Sent: Wednesday, October 25, 2017 6:50 AM

To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Cc: Simon, Karl <Simon.Karl@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: Fw: EO 12866 Interagency Comments on EPA Glider NPRM

From: Whiteman, Chad S. EOP/OMB

Ex. 6 - Personal Privacy

Sent: Tuesday, October 24, 2017 10:15 PM

To: Hengst, Benjamin

Cc: Sutton, Tia; Burch, Julia

Subject: EO 12866 Interagency Comments on EPA Glider NPRM

Ben,

Attached are EO 12866 interagency review comments on EPA's draft NPRM titled, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits," RIN 2060-AT79.

Best Regards,

Chad

Chad Whiteman

Senior Policy Analyst, Office of Information and Regulatory Affairs

Office of Management and Budget | Executive Office of the President

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

To: Ludlam, Scott[Ludlam.Scott@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Hart, Connie
Sent: Mon 10/16/2017 8:23:20 PM
Subject: RE: HDC - Glider #1 - HD Glider Testing Update 13OCT2107

Ex. 5 - Deliberative Process

Thank you,

Connie

From: Ludlam, Scott
Sent: Friday, October 13, 2017 5:59 PM
To: Hart, Connie <hart.connie@epa.gov>
Cc: Peralta, Maria <Peralta.Maria@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Brown, Garrett <Brown.Garrett@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: HDC - Glider #1 - HD Glider Testing Update 13OCT2107

Team,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Cullen, Angela[cullen.angela@epa.gov]; Hart, Connie[hart.connie@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Sandhu, Gurdas
Sent: Fri 10/13/2017 10:22:47 PM
Subject: RE: Glider 1, 60K lbs, UDDS
[OpMode-rates_Glider-1_60K-lbs.xlsx](#)

Ex. 5 - Deliberative Process

Gurdas

From: Sandhu, Gurdas
Sent: Wednesday, October 11, 2017 12:03 PM
To: Cullen, Angela <cullen.angela@epa.gov>; Hart, Connie <hart.connie@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: RE: Glider 1, 60K lbs, UDDS

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Gurdas

From: Sandhu, Gurdas

Sent: Wednesday, October 11, 2017 11:58 AM

To: Cullen, Angela <cullen.angela@epa.gov>; Hart, Connie <hart.connie@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>

Subject: RE: Glider 1, 60K lbs, UDDS

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Gurdas

Gurdas S. Sandhu, Ph.D.

Fellow, ORISE Research Program

OTAQ > ASD > AQMC

Desk: 734-214-4630

Mobile: 919-600-0490

Email: sandhu.gurdas@epa.gov

From: Cullen, Angela

Sent: Wednesday, October 11, 2017 10:43 AM

To: Hart, Connie <hart.connie@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>

Cc: Sandhu, Gurdas <Sandhu.Gurdas@epa.gov>

Subject: RE: Glider 1, 60K lbs, UDDS

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Hart, Connie

Sent: Wednesday, October 11, 2017 10:30 AM

To: Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>

Subject: FW: Glider 1, 60K lbs, UDDS

Slides from today's meeting.

From: Sandhu, Gurdas

Sent: Wednesday, October 11, 2017 9:18 AM

To: Hart, Connie <hart.connie@epa.gov>

Subject: Re: Glider 1, 60K lbs, UDDS

Attached is a ppt, in case this is easier to present.

From: Hart, Connie
Sent: Wednesday, October 11, 2017 8:58:57 AM
To: Sandhu, Gurdas
Subject: RE: Glider 1, 60K lbs, UDDS

Sounds great, thanks!

From: Sandhu, Gurdas
Sent: Wednesday, October 11, 2017 8:57 AM
To: Hart, Connie <hart.connie@epa.gov>
Subject: Re: Glider 1, 60K lbs, UDDS

Call me at Ex. 6 - Personal Privacy. I'll be ready to take the call at 9:03

From: Hart, Connie
Sent: Wednesday, October 11, 2017 8:56:08 AM
To: Sandhu, Gurdas
Subject: RE: Glider 1, 60K lbs, UDDS

OK, I will bring on my computer. Can we call you? What phone number?

From: Sandhu, Gurdas
Sent: Wednesday, October 11, 2017 8:55 AM
To: Hart, Connie <hart.connie@epa.gov>
Subject: Re: Glider 1, 60K lbs, UDDS

Oh, I did not realize I was invited to the meeting! I will be in office only later. I can get on the phone if you need me.

From: Hart, Connie
Sent: Wednesday, October 11, 2017 8:53:00 AM
To: Sandhu, Gurdas
Subject: RE: Glider 1, 60K lbs, UDDS

Thank you Gurdas!

Can you bring your laptop and I will bring a projector.

Connie

From: Sandhu, Gurdas
Sent: Tuesday, October 10, 2017 8:42 PM
To: Hart, Connie <hart.connie@epa.gov>
Subject: Glider 1, 60K lbs, UDDS

Hi Connie,

Ex. 5 - Deliberative Process

Gurdas

To: Moulis, Charles[moulis.charles@epa.gov]; Charmley, William[charmley.william@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]
Sent: Tue 1/2/2018 7:41:20 PM
Subject: RE: Draft - note to Chris Grundler for Chris to send to Bill Wehrum regarding next steps on the glider rulemaking

From: Moulis, Charles
Sent: Tuesday, January 02, 2018 2:31 PM
To: Charmley, William <charmley.william@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: RE: Draft - note to Chris Grundler for Chris to send to Bill Wehrum regarding next steps on the glider rulemaking

See comment below.

From: Charmley, William
Sent: Tuesday, January 02, 2018 2:26 PM
To: Parsons, Christy <Parsons.Christy@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Draft - note to Chris Grundler for Chris to send to Bill Wehrum regarding next steps on the glider rulemaking

Dear all –

Chris has asked for an email he can send to the OAR leadership regarding next steps on the glider rule.

Please take a look at the draft below and please send me any comments by 4:30 today.

Thanks

Bill

<< DRAFT >>

Dear Bill, Mandy and David –

Regarding the next steps on the glider rulemaking.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Chris

From: Parsons, Christy
Location: AA-Room-Office-C34-ConfRoom/AA-OTAQ-OFFICE; AA-Room-Office-N66-ConfRoom/AA-OTAQ-OFFICE; [Ex. 6 - Personal Privacy] access code: [Ex. 6 - Personal Privacy]
Importance: Normal
Subject: HD Recon Tech. Review
Start Date/Time: Thur 10/12/2017 6:05:00 PM
End Date/Time: Thur 10/12/2017 6:55:00 PM

1/25/18 update: New call-in/ Skype Meeting info added

-

-

Objective: Per discussion at our 10/3 Team Meeting, this invite is to hold time on calendars for in-depth technical discussions of ongoing analysis or NPRM development work related to the HD Recon rulemaking.

Agenda:

Ex. 5 - Deliberative Process

Questions/ concerns/ can't make this time? Contact Christy

-

→ [Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Join by phone

Toll number: [Ex. 6 - Personal Privacy] access code: [Ex. 6 - Personal Privacy] (Dial-in Number) English (United States)

[Find a local number](#)

Conference ID: (same as access code above)

[Forgot your dial-in PIN?](#) [Help](#)

.....

From: Gonzalez, Gail
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy)
Start Date/Time: Wed 1/3/2018 2:05:00 PM
End Date/Time: Wed 1/3/2018 2:55:00 PM

From: Gonzalez, Gail
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy #)
Start Date/Time: Wed 5/30/2018 1:00:00 PM
End Date/Time: Wed 5/30/2018 1:55:00 PM

From: Gonzalez, Gail
Location: N158
Importance: High
Subject: Canceled: HD Trailer and Glider Reconsideration (call-in: Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy #)
Start Date/Time: Tue 2/20/2018 6:00:00 PM
End Date/Time: Tue 2/20/2018 7:00:00 PM

From: Gonzalez, Gail
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy #)
Start Date/Time: Wed 1/17/2018 2:00:00 PM
End Date/Time: Wed 1/17/2018 2:55:00 PM

From: Gonzalez, Gail
Location: N158
Importance: Normal
Subject: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy #)
Start Date/Time: Wed 1/3/2018 2:00:00 PM
End Date/Time: Wed 1/3/2018 2:55:00 PM

From: Gonzalez, Gail
Location: N158
Importance: High
Subject: Canceled: HD Trailer and Glider Reconsideration (call-in Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy #)
Start Date/Time: Thur 12/28/2017 6:00:00 PM
End Date/Time: Thur 12/28/2017 7:00:00 PM

From: Parsons, Christy
Location: AA-Room-Office-C34-ConfRoom/AA-OTAQ-OFFICE; AA-Room-Office-N66-ConfRoom/AA-OTAQ-OFFICE; Ex. 6 - Personal Privacy
Importance: Normal
Subject: HD Recon Tech. Review
Start Date/Time: Thur 1/4/2018 7:05:00 PM
End Date/Time: Thur 1/4/2018 7:55:00 PM

Agenda

-

Attendance requested from: *George, Brian, Chuck, Jean-Marie*

Ex. 5 - Deliberative Process

o Discussion items:

Ex. 5 - Deliberative Process

•☐☐☐☐☐☐☐☐ Other topics as needed

Reminders

•☐☐☐☐☐☐☐ Only those actively working on agenda items need to attend;

- Notes will be available in OneNote with highlights shared during Tuesday stand-ups

Questions/ concerns/ can't make this time? Contact Christy

From: Moulis, Charles
Importance: Normal
Subject: Gliders
Start Date/Time: Thur 8/24/2017 7:15:00 PM
End Date/Time: Thur 8/24/2017 8:00:00 PM

David,

Do you have time to discuss the path forward on gliders? If so, we can use my call-in number

Ex. 6 - Personal Privacy

code

Ex. 6 - Personal Privacy

From: Parsons, Christy

Location: AA-Room-Office-C34-ConfRoom/AA-OTAQ-OFFICE;

Ex. 6 - Personal Privacy

Code:

Ex. 6 - Personal Privacy

Importance: Normal

Subject: HD Recon Tech. Review

Start Date/Time: Thur 1/18/2018 4:05:00 PM

End Date/Time: Thur 1/18/2018 4:55:00 PM

Ex. 5 - Deliberative Process

-

Ex. 5 - Deliberative Process

Agenda:

Ex. 5 - Deliberative Process

Reminders:

- Only those actively working on agenda items need to attend;
- Notes will be available in OneNote with highlights shared during Tuesday stand-ups

Questions/ concerns/ can't make this time? Contact Christy

From: Parsons, Christy

Location: AA-Room-Office-C34-ConfRoom/AA-OTAQ-OFFICE;

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Importance: Normal

Subject: HD Recon Tech. Review

Start Date/Time: Thur 1/4/2018 7:05:00 PM

End Date/Time: Thur 1/4/2018 7:55:00 PM

Agenda

-

Attendance requested from: George, Brian, Chuck, Jean-Marie

Ex. 5 - Deliberative Process

o Discussion items:

Ex. 5 - Deliberative Process

• Other topics as needed

Reminders

• Only those actively working on agenda items need to attend;

- Notes will be available in OneNote with highlights shared during Tuesday stand-ups

Questions/ concerns/ can't make this time? Contact Christy

From: Parsons, Christy

Location: AA-Room-Office-N66-ConfRoom/AA-OTAQ-OFFICE; **Ex. 6 - Personal Privacy** access

Ex. 6 - Personal Privacy

Importance: Normal

Subject: HD Recon Team: Standing Updates

Start Date/Time: Tue 9/26/2017 3:35:00 PM

End Date/Time: Tue 9/26/2017 3:55:00 PM

1/25/18 update: New call-in info added for those who join remotely.

Ex. 5 - Deliberative Process

As always, don't hesitate to raise questions or concerns.

Thanks!

Christy, Cay, Chuck

→ [Join Skype Meeting](#)

This is an online meeting for Skype for Business, the professional meetings and communications app formerly known as Lync.

[Help](#)

.....

From: Charmley, William
Location: N158
Importance: Normal
Subject: Pre-meeting for Glider Test Program discussion with Tennessee Tech
Start Date/Time: Tue 11/7/2017 4:30:00 PM
End Date/Time: Tue 11/7/2017 5:00:00 PM
[Tennessee Tech Glider Test Letter, June 2017.pdf](#)

Dear all,

Let's meet for 30 minutes today prior to the call with Tennessee Tech to make sure we have our prioritized list of questions we want to ask the university researchers.

Here are the questions George sent around about a week ago that he thought should be part of the dialogue with Tennessee Tech, with some Modifications/additions from me.

Test Laboratory & Test Equipment

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Test Cycles & Test Procedures

Ex. 5 - Deliberative Process

Test Articles (the vehicles)

Ex. 5 - Deliberative Process

From: Parsons, Christy
Location: C156, **Ex. 6 - Personal Privacy**
Importance: Normal
Subject: HD Recon Tech. Review
Start Date/Time: Thur 11/2/2017 6:05:00 PM
End Date/Time: Thur 11/2/2017 6:35:00 PM

Ex. 5 - Deliberative Process

-
11/2 Tech. Review Meeting Agenda in C156:

Ex. 5 - Deliberative Process

Reminders:

- ☐ ☐ ☐ ☐ ☐ ☐ Only those actively working on agenda items need to attend;
- ☐ ☐ ☐ ☐ ☐ ☐ Notes will be available in OneNote with highlights shared during Tuesday stand-

ups

Questions/ concerns/ can't make this time? Contact Christy

From: Parsons, Christy
Location: Angela's office
Importance: Normal
Subject: Glider Web Mock Ups
Start Date/Time: Wed 11/1/2017 2:30:00 PM
End Date/Time: Wed 11/1/2017 2:45:00 PM

Ex. 5 - Deliberative Process

This time looks open on your calendar, but let me know if you'd prefer email

Thanks!
Christy

From: Hart, Connie
Location: AA-Room-Office-C34-ConfRoom/AA-OTAQ-OFFICE
Importance: Normal
Subject: HD Chassis Glider data
Start Date/Time: Wed 10/18/2017 8:00:00 PM
End Date/Time: Wed 10/18/2017 9:00:00 PM

Ex. 5 - Deliberative Process

From: Hart, Connie
Location: AA-Room-Office-C34-ConfRoom/AA-OTAQ-OFFICE
Importance: Normal
Subject: HD Chassis Glider data
Start Date/Time: Wed 10/18/2017 8:00:00 PM
End Date/Time: Wed 10/18/2017 9:00:00 PM

Ex. 5 - Deliberative Process

From: Moulis, Charles
Location: AA-Room-Office-C147-ConfRoom/AA-OTAQ-OFFICE
Importance: Normal
Subject: ECCC Meeting
Start Date/Time: Wed 7/19/2017 1:00:00 PM
End Date/Time: Wed 7/19/2017 9:00:00 PM

Julie Deschatelets and André Riel of ECCC will be here Wednesday morning.
Josephine and Joanna will join by phone.

Ex. 6 - Personal Privacy

Tentative Agenda

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Sonntag, Darrell
Importance: Normal
Subject: Comments on TRB slides due to Darrell
Start Date/Time: Thur 1/5/2017 10:00:00 PM
End Date/Time: Thur 1/5/2017 10:30:00 PM
Sonntag Sunday Workshop HD activity future 20161222.pptx

Kathryn, Angela,

Please see my attached presentation for your review. It is also included here:

Ex. 5 - Deliberative Process

Thanks,

Darrell

From: Beardsley, Megan
Sent: Thursday, December 22, 2016 12:29 PM
To: Sonntag, Darrell <Sonntag.Darrell@epa.gov>
Cc: Choi, David <Choi.David@epa.gov>

Subject: RE: TRB Presentation for Review

Hi Darrell,

I'm finally having a chance to look at this.

Have Kathryn and Angela reviewed it yet? I'm not sure of Angela's schedule, but KS returns on Jan 3. Will you have time on Jan 6 to incorporate her comments?

Some questions:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Sonntag, Darrell
Sent: Wednesday, November 30, 2016 5:15 PM
To: Choi, David <Choi.David@epa.gov>; Beardsley, Megan <Beardsley.Megan@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Fulper, CarlR <Fulper.CarlR@epa.gov>
Subject: TRB Presentation for Review

David, Megan, Angela,

I've attached and placed my DRAFT TRB presentation into this folder.

File Path

I've also attached the workshop program (to give context).

Ex. 5 - Deliberative Process

Thanks

Darrell

Darrell Sonntag, PhD

Air Quality Modeling Center

US EPA Office of Transportation & Air Quality

2000 Traverwood Dr.

Ann Arbor, MI

(734)214-4603

sonntag.darrell@epa.gov

From: Sonntag, Darrell
Location: AA-Room-Office-C35-ConfRoom/AA-OTAQ-OFFICE
Importance: Normal
Subject: HD Team work on MOVES
Start Date/Time: Mon 11/28/2016 9:00:00 PM
End Date/Time: Mon 11/28/2016 10:00:00 PM
[Proposal of Collaboration with HD team on MOVES 113016.pptx](#)

All,

As we discussed at our last HD 101 meeting, have set up a meeting to discuss next steps:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Parsons, Christy[Parsons.Christy@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Davidson, Ken[Davidson.Ken@epa.gov]; Revelt, Jean-Marie[revelt.jean-marie@epa.gov]; Zawacki, Margaret[zawacki.margaret@epa.gov]; Choi, David[Choi.David@epa.gov]; Simon, Joseph[Simon.Joseph@epa.gov]

10/6/17 Update: Moving our Standing Update on 10/10 to 10/11 due to a large portion of the team attending an offsite meeting on 10/10. This is the best option I can find on calendars, but please let me know if you can't make it.

Prior to this meeting, please review action items from 10/3/17 team meeting, check-off those that are done, and come prepared to identify any issues blocking progress or requests for other team members in the coming week.

Thanks!
Christy

Ex. 5 - Deliberative Process

As always, don't hesitate to raise questions or concerns.

Thanks!
Christy, Cay, Chuck

To: Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Davidson, Ken[Davidson.Ken@epa.gov]; Revelt, Jean-Marie[revelt.jean-marie@epa.gov]; Zawacki, Margaret[zawacki.margaret@epa.gov]; Choi, David[Choi.David@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Simon, Joseph[Simon.Joseph@epa.gov]; Han, Jaehoon[han.jaehoon@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]

Ex. 5 - Deliberative Process

-

Look forward to seeing you soon!
Christy

-

-

-

-

-

Ex. 5 - Deliberative Process

Each team member will have a maximum of 5 mins to share any highlights on work accomplished last week and requests for help on work in the coming week. If you don't have any highlights or requests you can pass on your 5 mins.

As always, don't hesitate to raise questions or concerns.

Thanks!

Christy, Cay, Chuck

→ Join Skype Meeting

This is an online meeting for Skype for Business, the professional meetings and communications app formerly known as Lync.

Help

To: Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Ludlam, Scott
Sent: Fri 10/13/2017 9:58:32 PM
Subject: HDC - Glider #1 - HD Glider Testing Update 13OCT2107

Team,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Mitchell, George[Mitchell.George@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Hart, Connie
Sent: Fri 10/13/2017 9:03:21 PM
Subject: Glider testing status

Ex. 5 - Deliberative Process

Hope everyone had a great weekend,

Constance Hart

734/214-4340

Assessment and Standards Division, Office of Transportation and Air Quality

US Environmental Protection Agency

To: Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Ludlam, Scott
Sent: Thur 10/12/2017 9:58:56 PM
Subject: HDC - Glider #1 - HD Glider Testing Update 12OCT2107

Team,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Ludlam, Scott
Sent: Wed 10/11/2017 9:31:13 PM
Subject: HDC - Glider #1 - HD Glider Testing Update 11OCT2107

Team,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Ludlam, Scott
Sent: Wed 10/18/2017 10:00:56 PM
Subject: RE: HDC - Glider #1 - HD Glider Testing Update 18OCT2107

Team,

Ex. 5 - Deliberative Process

Thanks,

Scott Ludlam

From: Ludlam, Scott
Sent: Wednesday, October 18, 2017 2:53 PM
To: Hart, Connie <hart.connie@epa.gov>
Cc: Peralta, Maria <Peralta.Maria@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>;

Brown, Garrett <Brown.Garrett@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>

Subject: HDC - Glider #1 - HD Glider Testing Update 18OCT2107

Team,

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Sandhu, Gurdas[Sandhu.Gurdas@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Hart, Connie[hart.connie@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Sanchez, James[sanchez.james@epa.gov]
From: Ludlam, Scott
Sent: Wed 10/18/2017 9:55:34 PM
Subject: RE: They are asking for when we can return the glider

Gurdas,

Ex. 5 - Deliberative Process

Thanks,

Scott Ludlam

From: Sandhu, Gurdas
Sent: Wednesday, October 18, 2017 5:11 PM
To: Cullen, Angela <cullen.angela@epa.gov>; Hart, Connie <hart.connie@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Ludlam, Scott <Ludlam.Scott@epa.gov>; Sanchez, James <sanchez.james@epa.gov>
Subject: RE: They are asking for when we can return the glider

Connie or someone who knows about this,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Gurdas

From: Sandhu, Gurdas

Sent: Wednesday, October 18, 2017 1:10 PM

To: Cullen, Angela <cullen.angela@epa.gov>; Hart, Connie <hart.connie@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Ludlam, Scott <Ludlam.Scott@epa.gov>; Sanchez, James <sanchez.james@epa.gov>

Subject: RE: They are asking for when we can return the glider

Hi Angela,

Ex. 5 - Deliberative Process

Gurdas

From: Cullen, Angela

Sent: Wednesday, October 18, 2017 1:03 PM

To: Hart, Connie <hart.connie@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>;

Ludlam, Scott <Ludlam.Scott@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Sandhu, Gurdas <Sandhu.Gurdas@epa.gov>

Subject: They are asking for when we can return the glider

Importance: High

Ex. 5 - Deliberative Process

Thanks,

Angela

From: Parsons, Christy
Location: N125; **Ex. 6 - Personal Privacy**
Importance: Normal
Subject: HD Recon Tech. Review: Glider Employment Analysis & Industry Characterization Framework Discussion
Start Date/Time: Thur 10/19/2017 6:05:00 PM
End Date/Time: Thur 10/19/2017 6:55:00 PM

Agenda Topic:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

o **Goal:**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

o **Discussion topics:**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Questions/ concerns/ can't make this time? Contact Christy

To: Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Wed 10/18/2017 8:39:19 PM
Subject: FW: Draft Proposal of Glider Repeal
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 -docx

David and Mark,

Thank you for sharing this draft from Erik.

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Orlin, David
Sent: Wednesday, October 18, 2017 4:28 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Fwd: Draft Proposal of Glider Repeal

FYI (haven't looked at it)

Begin forwarded message:

From: "Baptist, Erik" <baptist.erik@epa.gov>
Date: October 18, 2017 at 4:26:07 PM EDT
To: "Orlin, David" <Orlin.David@epa.gov>
Cc: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Schmidt, Lorie" <Schmidt.Lorie@epa.gov>, "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>
Subject: Draft Proposal of Glider Repeal

David,

Ex. 5 - Deliberative Process; Attorney Client

Please let me know if you have any questions.

Thanks,

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

To: Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Ludlam, Scott
Sent: Wed 10/18/2017 6:53:47 PM
Subject: HDC - Glider #1 - HD Glider Testing Update 18OCT2107

Team,

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Cullen, Angela[cullen.angela@epa.gov]
From: Zhang, Houshun
Sent: Wed 10/18/2017 6:45:45 PM
Subject: RE: Series 60 Fuel Map

Ex. 5 - Deliberative Process

From: Cullen, Angela
Sent: Wednesday, October 18, 2017 2:24 PM
To: Zhang, Houshun <Zhang.Houshun@epa.gov>
Cc: Sanchez, James <sanchez.james@epa.gov>
Subject: FW: Series 60 Fuel Map

Houshun,

Ex. 5 - Deliberative Process

If possible, it would be good to have this information by next Monday.

Thank you,

Angela

From: Schenk, Charles
Sent: Wednesday, October 18, 2017 2:10 PM
To: Cullen, Angela <cullen.angela@epa.gov>; McDonald, Joseph
<McDonald.Joseph@epa.gov>; Sanchez, James <sanchez.james@epa.gov>

Subject: RE: Series 60 Fuel Map

Ex. 5 - Deliberative Process

From: Cullen, Angela

Sent: Wednesday, October 18, 2017 1:01 PM

To: McDonald, Joseph <McDonald.Joseph@epa.gov>; Schenk, Charles
<schenk.charles@epa.gov>; Sanchez, James <sanchez.james@epa.gov>

Subject: Series 60 Fuel Map

Hi,

Ex. 5 - Deliberative Process

Thank you,

Angela

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov];
Parsons, Christy[Parsons.Christy@epa.gov]
Cc: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Charmley, William
Sent: Tue 10/17/2017 9:22:30 PM
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Chuck, Cay and Christy –

Ex. 5 - Deliberative Process

Bill

From: Moulis, Charles
Sent: Tuesday, October 17, 2017 4:24 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

From: Charmley, William

Sent: Tuesday, October 17, 2017 4:16 PM

To: Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

David and Chuck -

Ex. 5 - Deliberative Process; Attorney Client

How does that sound?

Thanks

Bill

From: Orlin, David

Sent: Tuesday, October 17, 2017 4:04 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Moulis, Charles

Sent: Tuesday, October 17, 2017 3:54 PM

To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ben,

Here is the OTAQ version of the glider NPRM for OAR/OGC review. As Bill outlined this

Ex. 5 - Deliberative Process; Attorney Client

From: Sutton, Tia

Sent: Tuesday, October 17, 2017 3:12 PM

To: Moulis, Charles <moulis.charles@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: RE: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

From: Moulis, Charles

Sent: Tuesday, October 17, 2017 11:48 AM

To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Rescission of Emission Requirements for Glider Vehicles - NPRM - With OGC Redline - V2

Ex. 5 - Deliberative Process; Attorney Client

To: Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Ludlam, Scott
Sent: Tue 10/17/2017 4:26:25 PM
Subject: HDC - Glider #1 - HD Glider Testing Update 17OCT2107

Team,

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Davidson, Ken[Davidson.Ken@epa.gov]; Revelt, Jean-Marie[revelt.jean-marie@epa.gov]; Zawacki, Margaret[zawacki.margaret@epa.gov]; Choi, David[Choi.David@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Simon, Joseph[Simon.Joseph@epa.gov]; Han, Jaehoon[han.jaehoon@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]
From: Parsons, Christy
Sent: Tue 10/17/2017 4:01:48 PM
Subject: HDRecon Team: Standing Updates - 10/17/2017

Thanks very much for a productive team meeting this morning. Below are brief notes to capture key points.

Please review and *update with any revisions or additions to our Milestone Updates* before our team standing update next Tuesday morning (note you can select “Completed”, “Discuss”, or “In-Progress” for “Cell Style” to quickly visualize progress or areas of concern).

As always, don't hesitate to contact me with any questions or concerns.

Christy

Link to meeting notes: [HD Recon Team: Standing Updates - 10/17/2017](#) (Web view)

HD Recon Team: Standing Updates - 10/17/2017

Tuesday, October 17, 2017

9:03 AM

Meeting Date: 10/17/2017 11:30 AM

Location: AA-Room-Office-N66-ConfRoom/AA-OTAQ-OFFICE

Link to Outlook Item: [click here](#)

Invitation Message

Participants

Notes

Big Picture

Ex. 5 - Deliberative Process

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Team Tech. Review on 10/11/17

Ex. 5 - Deliberative Process

Milestone Updates

Ex. 5 - Deliberative Process

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Team member requests to others

- o None

Moment of Zen

Created with Microsoft OneNote 2016.

To: Cullen, Angela[cullen.angela@epa.gov]
From: Sandhu, Gurdas
Sent: Fri 1/26/2018 8:59:28 PM
Subject: RE: Latest MOVES comparison charts
171222_Glider-MOVES.PPTX

Hi Angela,

The attached deck might be useful? That's the version from Dec 22.

Gurdas

From: Cullen, Angela
Sent: Friday, January 26, 2018 3:45 PM
To: Sandhu, Gurdas <Sandhu.Gurdas@epa.gov>
Subject: Latest MOVES comparison charts

Hi Gurdas,

Do you have more recent graphs like the one below that could be used in a ASD Division meeting presentation on glider testing? Looking for NOx, PM, HC, CO, and CO2.

If Connie has not already discussed this with you, I will be sure that she sees you next week to let you know what's going on.

Thanks,

Angela

Ex. 5 - Deliberative Process

To: Sanchez, James[sanchez.james@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
Cc: Mitchell, George[Mitchell.George@epa.gov]
From: Hart, Connie
Sent: Wed 11/1/2017 4:35:45 PM
Subject: RE: Need FDRs

Glider 2 is here! Guard just called me.

From: Sanchez, James
Sent: Wednesday, November 01, 2017 12:19 PM
To: Cullen, Angela <cullen.angela@epa.gov>
Cc: Hart, Connie <hart.connie@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Subject: RE: Need FDRs

Angela,

Ex. 5 - Deliberative Process

Thanks,

James

From: Cullen, Angela
Sent: Wednesday, November 01, 2017 10:24 AM
To: Sanchez, James <sanchez.james@epa.gov>
Cc: Hart, Connie <hart.connie@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Subject: Need FDRs

James,

Ex. 5 - Deliberative Process

Thanks!

U.S. Environmental Protection Agency

Office of Transportation & Air Quality

Assessment & Standards Division

(734) 214-4419

cullen.angela@epa.gov

To: Hart, Connie[hart.connie@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Ludlam, Scott
Sent: Tue 10/10/2017 10:10:17 PM
Subject: HDC - Glider #1 - HD Glider Testing Update 10OCT2107

Team,

Today we ran the following tests in Heavy Duty Chassis:

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Cullen, Angela[cullen.angela@epa.gov]
Cc: Hart, Connie[hart.connie@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]
From: Sanchez, James
Sent: Wed 11/1/2017 4:18:59 PM
Subject: RE: Need FDRs

Angela,

Ex. 5 - Deliberative Process

Thanks,

James

From: Cullen, Angela
Sent: Wednesday, November 01, 2017 10:24 AM
To: Sanchez, James <sanchez.james@epa.gov>
Cc: Hart, Connie <hart.connie@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>
Subject: Need FDRs

James,

Ex. 5 - Deliberative Process

Thanks!

U.S. Environmental Protection Agency

Office of Transportation & Air Quality

Assessment & Standards Division

(734) 214-4419

cullen.angela@epa.gov

From: Parsons, Christy
Location: AA-Room-Office-C34-ConfRoom/AA-OTAQ-OFFICE; 866-299-3188, Code: 734-214-4243;
Importance: Normal
Subject: HD Recon Tech. Review
Start Date/Time: Thur 1/18/2018 4:05:00 PM
End Date/Time: Thur 1/18/2018 4:55:00 PM

1/16/18 Update: Moving our 1/18 Tech Review to 11 am due to schedule change that resulted in our Bill update meeting now occurring during normal Tech Review time. This is the best option I can find on calendars, but please let me know if you can't attend and have information to contribute to the Agenda topics listed below.

-

Objective:	Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process	

Agenda:

Ex. 5 - Deliberative Process

Reminders:

Ex. 5 - Deliberative Process

Questions/ concerns/ can't make this time? Contact Christy

To: Caldwell, Robert[Caldwell.Robert@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Ludlam, Scott
Sent: Tue 10/10/2017 11:57:20 AM
Subject: RE: HDC - Glider #1 - HD Glider Testing Update 05OCT2107

Ex. 5 - Deliberative Process

Thanks,

Scott Ludlam

From: Caldwell, Robert
Sent: Friday, October 06, 2017 1:34 PM
To: Cullen, Angela <cullen.angela@epa.gov>; Ludlam, Scott <Ludlam.Scott@epa.gov>
Subject: RE: HDC - Glider #1 - HD Glider Testing Update 05OCT2107

Ex. 5 - Deliberative Process

From: Cullen, Angela
Sent: Friday, October 06, 2017 10:04 AM
To: Ludlam, Scott <Ludlam.Scott@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>
Subject: RE: HDC - Glider #1 - HD Glider Testing Update 05OCT2107

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Angela

From: Ludlam, Scott

Sent: Thursday, October 05, 2017 6:21 PM

To: Hart, Connie <hart.connie@epa.gov>

Cc: Peralta, Maria <Peralta.Maria@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Brown, Garrett <Brown.Garrett@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Laroo, Chris <laroo.chris@epa.gov>

Subject: HDC - Glider #1 - HD Glider Testing Update 05OCT2107

Team,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Parsons, Christy[Parsons.Christy@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Wed 11/1/2017 2:10:17 PM
Subject: FW: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - Rev8.docx
ATT00001.htm

Dear all –

As a follow-up to the meeting we just had, here is the most recent version that I have. I apologize, I thought I had sent this. I think I must have gotten 3 versions forwarded to me yesterday.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Dunham, Sarah

Sent: Tuesday, October 31, 2017 4:26 PM
To: Charmley, William <charmley.william@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Fwd: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Sent from my iPhone

Begin forwarded message:

From: "Harlow, David" <harlow.david@epa.gov>
Date: October 31, 2017 at 4:18:38 PM EDT
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: FW: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Yet another version, but I think we're getting close to having this done.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David
Sent: Tuesday, October 31, 2017 4:11 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik

Sent: Tuesday, October 31, 2017 3:37 PM

To: Harlow, David <harlow.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Attorney-Client Privilege

Deliberative

David,

Ex. 5 - Deliberative Process; Attorney Client

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David

Sent: Tuesday, October 31, 2017 2:28 PM

To: Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik
<baptist.erik@epa.gov>

Subject: Revised draft of gliders NPRM (with new EJ language from Al Gartland included)

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks.

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Hoyer, Marion[hoyer.marion@epa.gov]; Bailey, Chad[bailey.chad@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Wed 11/1/2017 2:05:38 PM
Subject: FW: Draft language for consideration for the NPRM on gliders regarding the Executive Order language on EJ, Minority Populations, and Low-Income Populations

From: Charmley, William
Sent: Wednesday, November 01, 2017 9:34 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Draft language for consideration for the NPRM on gliders regarding the Executive Order language on EJ, Minority Populations, and Low-Income Populations

Dear Sarah, Mandy and David,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Cullen, Angela[cullen.angela@epa.gov]
From: Mitchell, George
Sent: Tue 1/16/2018 3:56:07 PM
Subject: RE: Feb. ASD Division Meeting Presentation
[Capture.JPG](#)

I was going to add levity. I did a google search for images of gliders and got this:



George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

From: Cullen, Angela
Sent: Tuesday, January 16, 2018 10:54 AM
To: Mitchell, George <Mitchell.George@epa.gov>
Subject: RE: Feb. ASD Division Meeting Presentation

Yes – likely what is being used in the Bill W briefing should work.

From: Mitchell, George
Sent: Tuesday, January 16, 2018 10:35 AM
To: Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Feb. ASD Division Meeting Presentation

Ex. 5 - Deliberative Process

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

From: Cullen, Angela

Sent: Thursday, January 11, 2018 11:28 AM

To: Hart, Connie <hart.connie@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>;
Ludlam, Scott <Ludlam.Scott@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>;
Sandhu, Gurdas <Sandhu.Gurdas@epa.gov>; Sanchez, James <sanchez.james@epa.gov>;
Brown, Garrett <Brown.Garrett@epa.gov>

Cc: Peralta, Maria <Peralta.Maria@epa.gov>

Subject: Feb. ASD Division Meeting Presentation

The main topic of our next ASD Division meeting will be the Glider Testing.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Maria and I would like to see a draft of the briefing at least a week ahead of time.

Thank you,

Angela

To: Hoyer, Marion[hoyer.marion@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Davidson, Ken[Davidson.Ken@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Shelby, Michael[Shelby.Michael@epa.gov]; Lie, Sharyn[Lie.Sharyn@epa.gov]
From: Helfand, Gloria
Sent: Wed 11/1/2017 1:09:35 PM
Subject: Employment issue updates from OP

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Gloria Helfand, Ph.D.

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

(734) 214-4688

To: Choi, David[Choi.David@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Hoyer, Marion[hoyer.marion@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Olechiw, Michael[olechiw.michael@epa.gov]; Samulski, Michael[samulski.michael@epa.gov]
Cc: Storhok, Ines[storhok.ines@epa.gov]
From: Sargeant, Kathryn
Sent: Tue 1/16/2018 1:35:36 PM
Subject: Agenda for 9 am mgmt meeting
[ASD Mgmt Agenda jan 16 2018.docx](#)

Ines is out today. I've put together a draft agenda (including substantive details from her and Bill's prior emails). It is pasted below and attached; I will bring copies.

If there's something specific you want added to the hard-copy agenda, let me know by 8:45. Otherwise, just bring your agenda items with you and we'll accommodate on the spot.

Look forward to seeing you!

Agenda/Info for January 16, 2018, ASD Management Meeting (9 am)

From Ines' Email of Thursday, 1/11:

Status:

Not Responsive; Ex. 5 - Deliberative Process

Action Item:

Not Responsive; Ex. 5 - Deliberative Process

From Charmley's email this morning:

AA Wehrum Visit to EPA-OTAQ Ann Arbor offices, Wednesday, January 17, 2018

8:45 – arrive at EPA

Ex. 5 - Deliberative Process

3:15 Depart EPA for Detroit Metro Airport

Discussion Items

Ex. 5 - Deliberative Process

Updates/FYIs from Kathryn

Ex. 5 - Deliberative Process

Updates (all)

To: Cullen, Angela[cullen.angela@epa.gov]; Ludlam, Scott[Ludlam.Scott@epa.gov]
From: Caldwell, Robert
Sent: Fri 10/6/2017 5:33:40 PM
Subject: RE: HDC - Glider #1 - HD Glider Testing Update 05OCT2107

Ex. 5 - Deliberative Process

From: Cullen, Angela
Sent: Friday, October 06, 2017 10:04 AM
To: Ludlam, Scott <Ludlam.Scott@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>
Subject: RE: HDC - Glider #1 - HD Glider Testing Update 05OCT2107

Ex. 5 - Deliberative Process

Angela

From: Ludlam, Scott
Sent: Thursday, October 05, 2017 6:21 PM
To: Hart, Connie <hart.connie@epa.gov>
Cc: Peralta, Maria <Peralta.Maria@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Brown, Garrett <Brown.Garrett@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Laroo, Chris <laroo.chris@epa.gov>
Subject: HDC - Glider #1 - HD Glider Testing Update 05OCT2107

Team,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thank You,

Scott Ludlam

Mechanical Engineer
US Environmental Protection Agency
National Vehicle & Fuels Emissions Laboratory
Testing and Advanced Technology Division
Advanced Testing Center
2565 Plymouth Road
Ann Arbor, MI 48105
Phone: 734.214.4686
email: ludlam.scott@epa.gov

To: Cullen, Angela[cullen.angela@epa.gov]
Cc: Hart, Connie[hart.connie@epa.gov]
From: Mitchell, George
Sent: Wed 11/1/2017 10:43:10 AM
Subject: FW: Report now in Sharepoint

Angela,

Ex. 5 - Deliberative Process

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

From: Hart, Connie
Sent: Tuesday, October 31, 2017 4:17 PM
To: Mitchell, George <Mitchell.George@epa.gov>
Subject: RE: Report now in Sharepoint

Thanks George,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mitchell, George
Sent: Tuesday, October 31, 2017 3:51 PM
To: Hart, Connie <hart.connie@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>

Subject: RE: Report now in Sharepoint

I am unable to stick around to work on this any longer today.

Ex. 5 - Deliberative Process

I will pick it up and do some more tomorrow morning when I get in. Usually around 6am.

George Mitchell

US Environmental Protection Agency

Office of Transportation and Air Quality

Heavy-Duty Onroad and Nonroad Center
2000 Traverwood Drive
Ann Arbor, MI 48105
Phone: 734.214.4491

From: Hart, Connie

Sent: Tuesday, October 31, 2017 12:22 PM

To: Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>;
Mitchell, George <Mitchell.George@epa.gov>

Subject: Report now in Sharepoint

Ex. 5 - Deliberative Process

File Path

Constance Hart

734/214-4340

Assessment and Standards Division, Office of Transportation and Air Quality

US Environmental Protection Agency

To: Choi, David[Choi.David@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Hoyer, Marion[hoyer.marion@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Olechiw, Michael[olechiw.michael@epa.gov]; Samulski, Michael[samulski.michael@epa.gov]; Storchok, Ines[storchok.ines@epa.gov]
From: Sargeant, Kathryn
Sent: Fri 1/12/2018 10:03:10 PM
Subject: FYI: OAR measure on reducing nonattainment areas, and OTAQ's role in the AQ story
Draft Air Quality Story and Non-Attainment Strategic Measure 12-18-17.pptx

Dear all,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Cullen, Angela[cullen.angela@epa.gov]
From: Parsons, Christy
Sent: Tue 10/31/2017 8:32:17 PM
Subject: RE: For Review: Draft Glider NPRM Webpage Mockups

☺ Thanks for all of your support with this effort (both the specific request and more broadly)!

From: Cullen, Angela
Sent: Tuesday, October 31, 2017 4:22 PM
To: Parsons, Christy <Parsons.Christy@epa.gov>
Subject: RE: For Review: Draft Glider NPRM Webpage Mockups

Thank you for turning this around so quickly!!

From: Parsons, Christy
Sent: Tuesday, October 31, 2017 3:38 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: For Review: Draft Glider NPRM Webpage Mockups

Attached for your review are draft website mockup materials for the glider repeal NPRM. I'm including a few details below on each attachment, but please let me know if additional information or materials would be useful.

My understanding is that we want to have these pages ready to go in the next few days, so I would appreciate your feedback on the attachments as soon as possible.

Thanks very much for your time and input.

Christy

•Attachment 1 (2017 10 31 Glider Repeal Web Mock Up_Main Page Link.docx):

o **What:** Mockup of where we would add a link for this NPRM on our main page for HD Trucks & Buses

o **For your review:**

Ex. 5 - Deliberative Process

•Attachment 2 (2017 10 31 Glider Repeal Web Mock Up_NPRM page.docx)

o **What:** Mockup of new page that would be developed for this NPRM, based on the template for NPRMs (see example from Phase 2)

o **For your review:**

Ex. 5 - Deliberative Process

Christy Parsons

Physical Scientist

Assessment and Standards Division

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

Ann Arbor, MI

Tel: 734.214.4243

E-mail: parsons.christy@epa.gov

Notice (If This Communication Regards a Contract): Nothing in this message shall be construed as a change to the price, schedule, or terms and conditions of the contract. If the receiver does construe it otherwise, please notify me immediately so that proper contract action can be initiated.

To: Cullen, Angela[cullen.angela@epa.gov]
Cc: Laroo, Chris[laroo.chris@epa.gov]
From: Sanchez, James
Sent: Fri 10/6/2017 1:23:02 PM
Subject: Super Cycle Glider Results

Angela,

Ex. 5 - Deliberative Process

James

To: Cullen, Angela[cullen.angela@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Ludlam, Scott[Ludlam.Scott@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Sandhu, Gurdas[Sandhu.Gurdas@epa.gov]; Sanchez, James[sanchez.james@epa.gov]; Brown, Garrett[Brown.Garrett@epa.gov]
Cc: Peralta, Maria[Peralta.Maria@epa.gov]
From: Hart, Connie
Sent: Thur 1/11/2018 11:29:14 PM
Subject: RE: Feb. ASD Division Meeting Presentation

I have put the presentation on the I drive:

File Path

Ex. 5 - Deliberative Process

Thanks,
Connie

From: Cullen, Angela
Sent: Thursday, January 11, 2018 11:28 AM
To: Hart, Connie <hart.connie@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Ludlam, Scott <Ludlam.Scott@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Sandhu, Gurdas <Sandhu.Gurdas@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Brown, Garrett <Brown.Garrett@epa.gov>
Cc: Peralta, Maria <Peralta.Maria@epa.gov>
Subject: Feb. ASD Division Meeting Presentation

The main topic of our next ASD Division meeting will be the Glider Testing. The meeting will be on Tuesday, Feb. 6 at 9:00 am in C126 and I just forwarded the invitation to those of you in TATD. Typically we have 15+ minutes of division updates and then we have a main presentation.

We would like TATD and ASD to give the briefing. *Connie – would you please work with*

everyone to organize the briefing materials? We can start with the briefing you gave to DTC. My initial thought on how to split up who gives the briefing is something like this, but feel free to adjust as you all see fit:

Ex. 5 - Deliberative Process

Maria and I would like to see a draft of the briefing at least a week ahead of time.

Thank you,

Angela

To: Elson, Lance[Elson.Lance@epa.gov]
Cc: Brunner, Christine[brunner.christine@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Helmer, Kent
Sent: Thur 1/11/2018 4:49:11 PM
Subject: Amendment-ICAO
IGCE ICAO Amended-GliderSupportV2.xlsx

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Kent

If there are comments on Ex. 5 - Deliberative Process please don't hesitate to send them back to me.

Kent Helmer, EPS

US-EPA, OAR- OTAQ- ASD

NVFEL, S89

2000 Traverwood Dr.

Ann Arbor, MI 48105

helmer.kent@epa.gov

(734) 214-4825

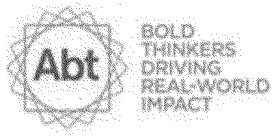
From: Barbara J. Bauer [mailto:Barbara_Bauer@abtassoc.com]
Sent: Thursday, January 11, 2018 11:18 AM
To: Helmer, Kent <Helmer.Kent@epa.gov>
Subject: FW: Sheila's replacement

Hey Kent, See Sheila's replacement info below. Barbara

Barbara Bauer | Associate | CommentCounts Product Manager | Abt Associates

5001 South Miami Blvd, Suite 210| Durham, NC 27703

O: 919-294-7781 | F: 301-828-9715 | www.abtassociates.com



From: Paulette Gillard
Sent: Thursday, January 11, 2018 11:14 AM
To: Barbara J. Bauer
Subject: Sheila's replacement

Tracey took over for Sheila Fagan.

Tracey L. Williams

Contract Specialist-Acting Team Lead

U.S. Environmental Protection Agency

OARM/OAM/HPOD/PCSC

Williams.tracey@epa.gov

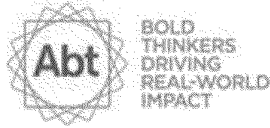
P: (202) 564-3580

Paulette Gillard|Fin & Contract Manager| Abt Associates

55 Wheeler Street| Cambridge, MA 02138

O: 617.349.2763 | F: 617.386.8421 | www.abtassociates.com

Hours: Monday – Friday 8:30 am – 4:00 pm



This message may contain privileged and confidential information intended solely for the addressee. Please do not read, disseminate or copy it unless you are the intended recipient. If this message has been received in error, we kindly ask that you notify the sender immediately by return email and delete all copies of the message from your system.

To: Helmer, Kent[Helmer.Kent@epa.gov]
Cc: Hoyer, Marion[hoyer.marion@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Brunner, Christine
Sent: Thur 1/11/2018 3:39:28 PM
Subject: RE: Potential new task on your Abt contract

Ex. 5 - Deliberative Process

From: Helmer, Kent
Sent: Thursday, January 11, 2018 10:20 AM
To: Brunner, Christine <brunner.christine@epa.gov>
Cc: Hoyer, Marion <hoyer.marion@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: Potential new task on your Abt contract

Ex. 5 - Deliberative Process

From: Brunner, Christine
Sent: Thursday, January 11, 2018 8:57 AM
To: Helmer, Kent <Helmer.Kent@epa.gov>
Cc: Hoyer, Marion <hoyer.marion@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: FW: Potential new task on your Abt contract

Ex. 5 - Deliberative Process that I sent to Lance.

From: Brunner, Christine
Sent: Friday, December 01, 2017 2:16 PM
To: Elson, Lance <Elson.Lance@epa.gov>
Cc: Helmer, Kent <Helmer.Kent@epa.gov>
Subject: Potential new task on your Abt contract

Hi Lance –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if this works and if you need any other info from me.

Thanks so much. Have a great weekend!

Chris

Christine M. Brunner

U.S. Environmental Protection Agency

2000 Traverwood

Ann Arbor, MI 48105

(734) 214-4287

To: Williams, Tracey[williams.tracey@epa.gov]
Cc: Cullen, Angela[cullen.angela@epa.gov]; Brunner, Christine[brunner.christine@epa.gov]; Elson, Lance[Elson.Lance@epa.gov]; Muller, Marie[MULLER.MARIE@EPA.GOV]
From: Helmer, Kent
Sent: Thur 1/11/2018 2:03:09 PM
Subject: DON'T close out Abt task order #EP-B17H00053 on BPA-15-H-0012

Ex. 5 - Deliberative Process

Kent Helmer, EPS

US-EPA, OAR- OTAQ- ASD

NVFEL, S89

2000 Traverwood Dr.

Ann Arbor, MI 48105

helmer.kent@epa.gov

(734) 214-4825

From: Elson, Lance

Sent: Wednesday, January 10, 2018 9:11 PM

To: Muller, Marie <MULLER.MARIE@EPA.GOV>; Helmer, Kent <Helmer.Kent@epa.gov>

Cc: Cullen, Angela <cullen.angela@epa.gov>; Brunner, Christine <brunner.christine@epa.gov>

Subject: Re: Change in OTAQ staff supporting Abt task order

Ex. 5 - Deliberative Process

Thanks!

Lance

From: Muller, Marie
Sent: Wednesday, January 10, 2018 3:21 PM
To: Helmer, Kent
Cc: Cullen, Angela; Elson, Lance
Subject: RE: Change in OTAQ staff supporting Abt task order

Ex. 5 - Deliberative Process

Marie Muller

Director, Site Remediation and Enforcement Staff

Federal Facility Enforcement Office - MC 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-0217

202-501-0069 (fax)

NOTICE: ENFORCEMENT CONFIDENTIAL AND/OR ATTORNEY CLIENT
PRIVILEGED: DO NOT RELEASE UNDER FOIA: This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

From: Helmer, Kent

Sent: Wednesday, January 10, 2018 3:07 PM

To: Muller, Marie <MULLER.MARIE@EPA.GOV>

Cc: Cullen, Angela <cullen.angela@epa.gov>; Elson, Lance <Elson.Lance@epa.gov>

Subject: RE: Change in OTAQ staff supporting Abt task order

Ex. 5 - Deliberative Process

KentHelmer, EPS

US-EPA, NVFEL

Ann Arbor, MI 734-214-4825

helmer.kent@epa.gov



Please consider the environment before printing this e-mail.

From: Muller, Marie

Sent: Wednesday, January 10, 2018 11:53 AM

To: Helmer, Kent <Helmer.Kent@epa.gov>

Cc: Cullen, Angela <cullen.angela@epa.gov>; Elson, Lance <Elson.Lance@epa.gov>

Subject: RE: Change in OTAQ staff supporting Abt task order

Ex. 5 - Deliberative Process

Sorry I can't be more helpful at the moment, but I will follow up with you if I can find something out.

Thanks.

Marie Muller

Director, Site Remediation and Enforcement Staff

Federal Facility Enforcement Office - MC 2261A

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-0217

202-501-0069 (fax)

NOTICE: ENFORCEMENT CONFIDENTIAL AND/OR ATTORNEY CLIENT PRIVILEGED: DO NOT RELEASE UNDER FOIA: This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

From: Helmer, Kent

Sent: Wednesday, January 10, 2018 10:58 AM

To: Muller, Marie <MULLER.MARIE@EPA.GOV>

Cc: Cullen, Angela <cullen.angela@epa.gov>

Subject: RE: Change in OTAQ staff supporting Abt task order

Ex. 5 - Deliberative Process

Kent Helmer, OTAQ-ASD

NVFEL, Ann Arbor, MI 48105

helmer.kent@epa.gov

(734) 214-4825

From: Helmer, Kent
Sent: Wednesday, January 10, 2018 9:23 AM
To: Muller, Marie <MULLER.MARIE@EPA.GOV>
Cc: Cullen, Angela <cullen.angela@epa.gov>
Subject: FW: Change in OTAQ staff supporting Abt task order
Importance: High

Ex. 5 - Deliberative Process

Kent

Kent Helmer, EPS

US-EPA, OAR- OTAQ- ASD

NVFEL, S89

2000 Traverwood Dr.

Ann Arbor, MI 48105

helmer.kent@epa.gov

(734) 214-4825

From: Helmer, Kent
Sent: Wednesday, January 10, 2018 9:13 AM
To: Elson, Lance <Elson.Lance@epa.gov>
Cc: Cullen, Angela <cullen.angela@epa.gov>; Brunner, Christine <brunner.christine@epa.gov>
Subject: FW: Change in OTAQ staff supporting Abt task order

Ex. 5 - Deliberative Process

From: Fagan, Sheila
Sent: Tuesday, January 09, 2018 3:55 PM
To: Cullen, Angela <cullen.angela@epa.gov>
Cc: Helmer, Kent <Helmer.Kent@epa.gov>; Williams, Tracey <williams.tracey@epa.gov>
Subject: RE: Change in OTAQ staff supporting Abt task order

Hello Angela, I am no longer working on that team and do not have that contract. I am forwarding your email to the Team Leader Tracey Williams to address your concern.

Sheila Fagan

From: Cullen, Angela
Sent: Tuesday, January 09, 2018 3:48 PM
To: Fagan, Sheila <Fagan.Sheila@epa.gov>
Cc: Helmer, Kent <Helmer.Kent@epa.gov>
Subject: Change in OTAQ staff supporting Abt task order

Dear Sheila,

Ex. 5 - Deliberative Process

Thank you for your assistance,

Angela

Office of Transportation & Air Quality

Assessment & Standards Division

(734) 214-4419

cullen.angela@epa.gov

To: Moulis, Charles[moulis.charles@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Davidson, Ken[Davidson.Ken@epa.gov]; Revelt, Jean-Marie[revelt.jean-marie@epa.gov]; Zawacki, Margaret[zawacki.margaret@epa.gov]; Choi, David[Choi.David@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Simon, Joseph[Simon.Joseph@epa.gov]; Han, Jaehoon[han.jaehoon@epa.gov]
Cc: Parsons, Christy[Parsons.Christy@epa.gov]
From: Parsons, Christy
Sent: Tue 11/28/2017 5:10:40 PM
Subject: HD Recon Team: Standing Updates - 11/28/2017

Thanks very much for a productive standing update today. Below are brief notes to capture key points from today's standing update for HD Recon.

Please make sure to review and update our Milestone Updates with any revisions or additions to before our team standing update next Tuesday morning (note you can select "Completed", "Discuss", or "In-Progress" for "Cell Style" to quickly visualize progress or areas of concern). If you're unable to attend a stand-up meeting then please let me know ahead of time.

As always, don't hesitate to contact me with any questions or concerns.

Christy

Link to meeting notes: [HD Recon Team: Standing Updates - 11/28/2017](#) (Web view)

HD Recon Team: Standing Updates - 11/28/2017

Tuesday, November 28, 2017

8:22 AM

Meeting Date: 11/28/2017 11:30 AM

Location: AA-Room-Office-N66-ConfRoom/AA-OTAQ-OFFICE;

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process













Code:

Ex. 5 - Deliberative Process

Link to Outlook Item: [click here](#)

Invitation Message

Participants

-  [Parsons, Christy](#) (Meeting Organizer)
-  [Moulis, Charles](#)
-  [Yanca, Catherine](#)
-  [Mitchell, George](#) (Accepted in Outlook)
-  [Brakora, Jessica](#)
-  [Davidson, Ken](#) (Accepted in Outlook)
-  [Revelt, Jean-Marie](#)
-  [Molly Zawacki \(zawacki.margaret@epa.gov\)](#)
-  [Choi, David](#)
-  [Cullen, Angela](#) (Accepted in Outlook)
-  [Simon, Joseph](#)
-  [Han, Jaehoon](#)

Notes

Big Picture

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- o Upcoming Tech Reviews:

Ex. 5 - Deliberative Process

Milestone Updates

- Highlights

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Moment of Zen

Created with Microsoft OneNote 2016.

To: Parsons, Christy[Parsons.Christy@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Choi, David[Choi.David@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Davidson, Ken[Davidson.Ken@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Revelt, Jean-Marie[revelt.jean-marie@epa.gov]; Simon, Joseph[Simon.Joseph@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Zawacki, Margaret[zawacki.margaret@epa.gov]; Nelson, Brian[nelson.brian@epa.gov]; Beardsley, Megan[Beardsley.Megan@epa.gov]
Cc: Han, Jaehoon[han.jaehoon@epa.gov]
From: Sandhu, Gurdas
Sent: Fri 12/22/2017 9:52:27 PM
Subject: RE: HD Recon Tech. Review
[171222 Glider-MOVES.PPTX](#)

All,

Ex. 5 - Deliberative Process

I will return on January 3. Have a Merry Christmas and Holidays (even those working through the rest of December ☺)!

Gurdas

Gurdas S. Sandhu, Ph.D.

Fellow, ORISE Research Program

OTAQ > ASD > AQMC

Desk: [Ex. 5 - Deliberative Process](#)

Mobile: [Ex. 5 - Deliberative Process](#)

Email: sandhu.gurdas@epa.gov

-----Original Appointment-----

From: Parsons, Christy

Sent: Wednesday, December 13, 2017 7:34 AM

To: Brakora, Jessica; Choi, David; Cullen, Angela; Davidson, Ken; Mitchell, George; Moulis, Charles; Revelt, Jean-Marie; Simon, Joseph; Yanca, Catherine; Zawacki, Margaret; Nelson, Brian; Beardsley, Megan; Sandhu, Gurdas

Cc: Han, Jaehoon

Subject: HD Recon Tech. Review

When: Thursday, December 21, 2017 2:05 PM-2:55 PM (UTC-05:00) Eastern Time (US & Canada).

Where: AA-Room-Office-C34-ConfRoom/AA-OTAQ-OFFICE; 866-299-3188, Code: 734-214-4243;

Agenda

Attendance requested from: *David, Megan, Jaehoon, Gurdas, Jess, Chuck*

Ex. 5 - Deliberative Process

- Other topics as needed

Ex. 5 - Deliberative Process

- Other topics as needed

Reminders

- Only those actively working on agenda items need to attend;
- Notes will be available in OneNote with highlights shared during Tuesday stand-ups

Questions/ concerns/ can't make this time? Contact Christy

To: Cullen, Angela[cullen.angela@epa.gov]
From: Hoyer, Marion
Sent: Tue 11/21/2017 8:54:59 PM
Subject: RE: ABT Contract for Glider Comments

Ex. 5 - Deliberative Process

From: Cullen, Angela
Sent: Tuesday, November 21, 2017 2:05 PM
To: Helmer, Kent <Helmer.Kent@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>
Subject: FW: ABT Contract for Glider Comments

This is FYI and I assume that Chris will handle it. However, if you would like me to work with Kent instead, just let me know.

Thanks,

Angela

From: Cullen, Angela
Sent: Tuesday, November 21, 2017 8:49 AM
To: Christine Brunner (brunner.christine@epa.gov) <brunner.christine@epa.gov>
Subject: ABT Contract for Glider Comments

Hi Chris,

Ex. 5 - Deliberative Process

Thank you,

Angela

To: Hart, Connie[hart.connie@epa.gov]; Ludlam, Scott[Ludlam.Scott@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Mitchell, George[Mitchell.George@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Caldwell, Robert[Caldwell.Robert@epa.gov]; Peralta, Maria[Peralta.Maria@epa.gov]
From: Sanchez, James
Sent: Mon 9/11/2017 12:03:11 PM
Subject: RE: HD Chassis Glider test plan
Supplemental Torque Curve and Emissions Cycle Analysis Rev 7 2013-12-10.....xlsm

Hi Connie,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

James

From: Hart, Connie

Sent: Friday, September 08, 2017 4:10 PM

To: Ludlam, Scott <Ludlam.Scott@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Caldwell, Robert <Caldwell.Robert@epa.gov>; Peralta, Maria <Peralta.Maria@epa.gov>

Subject: HD Chassis Glider test plan

Please see attached draft test plan. Please send any comments or edits so we can finalize. Scott will need some time to upload the traces into the system.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Constance Hart

734/214-4340

Assessment and Standards Division, Office of Transportation and Air Quality

US Environmental Protection Agency

To: Parsons, Christy[Parsons.Christy@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Simon, Joseph[Simon.Joseph@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]
Cc: Zawacki, Margaret[zawacki.margaret@epa.gov]
From: Davidson, Ken
Sent: Thur 11/16/2017 7:45:34 PM
Subject: RE: HD Recon Tech. Review - 11/16/2017

Hi Christy,

Sorry I had to miss today's meeting, but Molly relayed the questions you had for us. Here's my quick response:

Ex. 5 - Deliberative Process

Hope that helps,

Ken

Kenneth Davidson

U.S. Environmental Protection Agency

Office of Transportation and Air Quality/Region 9 Air Division

75 Hawthorne St. (AIR-6)

San Francisco, CA 94105

Phone: 415-972-3633

From: Parsons, Christy
Sent: Thursday, November 16, 2017 11:36 AM
To: Brakora, Jessica <Brakora.Jessica@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Simon, Joseph <Simon.Joseph@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>
Cc: Parsons, Christy <Parsons.Christy@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Zawacki, Margaret <zawacki.margaret@epa.gov>
Subject: HD Recon Tech. Review - 11/16/2017

Thanks very much for a productive discussion this afternoon on our trailer and glider work. Below are my brief notes along with the action items I heard.

Please take a brief look and feel free to add or revise as needed, as well as check-off action items in OneNote.

Christy

Link to meeting notes: [HD Recon Tech. Review - 11/16/2017](#) (Web view)

HD Recon Tech. Review - 11/16/2017

Thursday, November 16, 2017

2:06 PM

Meeting Date: 11/16/2017 2:05 PM

Location: C156 Ex. 5 - Deliberative Process **Code:** Ex. 5 - Deliberative Process

Link to Outlook Item: [click here](#)

Invitation Message

Participants

Notes

Ex. 5 - Deliberative Process

Created with Microsoft OneNote 2016.

To: Cullen, Angela[cullen.angela@epa.gov]
From: Sargeant, Kathryn
Sent: Thur 8/3/2017 12:19:07 PM
Subject: FYI: OTAQ: Petitions on the Heavy duty fuel economy reg story - DDL is 5 pm

FYI

From: Hengst, Benjamin
Sent: Wednesday, August 02, 2017 5:30 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>
Subject: Fwd: OTAQ: Petitions on the Heavy duty fuel economy reg story - DDL is 5 pm

FYI.

Begin forwarded message:

From: "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>
Date: August 2, 2017 at 4:54:05 PM EDT
To: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Cc: "Mylan, Christopher" <Mylan.Christopher@epa.gov>
Subject: FW: OTAQ: Petitions on the Heavy duty fuel economy reg story - DDL is 5 pm

Hi Ben,

E & E is doing a story for tomorrow and has the following request:

“I’m working on a story today about the requests by the glider kits and truck trailer folks regarding the heavy duty fuel economy rules. My deadline is 5 pm and I’m hoping you might help me out with some questions.

What is EPA doing with the petitions and lawsuits by these sub industry groups? Is it considering exempting them from the standards?

Has EPA met with these groups?

Can you help me get a copy of the June 26 “petition for a reconsideration and stay” filed by the Truck Trailer Manufacturer Association?

I suggest we respond with something like this and let the politicals edit as appropriate.

Ex. 5 - Deliberative Process

Sound OK?

-Erin

From: Daguillard, Robert

Sent: Wednesday, August 02, 2017 4:02 PM

To: Mylan, Christopher <Mylan.Christopher@epa.gov>; Birgfeld, Erin <Erin.Birgfeld@epa.gov>

Cc: Millett, John <John.Millett@epa.gov>; Valentine, Julia <Julia.Valentine@epa.gov>

Subject: OTAQ: Heavy duty fuel economy reg story

Another inquiry. Fairly tight deadline – early tomorrow hard DDL – and I apologize for not

Ex. 5 - Deliberative Process

From: Camille von Kaenel
Sent: Wednesday, August 02, 2017 1:33 PM
To: Christie St. Clair (stclair.christie@epa.gov) <stclair.christie@epa.gov>
Subject: Heavy duty fuel economy reg story

Hi Christie,

I'm working on a story today about the requests by the glider kits and truck trailer folks regarding the heavy duty fuel economy rules. My deadline is 5 pm and I'm hoping you might help me out with some questions.

What is EPA doing with the petitions and lawsuits by these sub industry groups? Is it considering exempting them from the standards?

Has EPA met with these groups?

Can you help me get a copy of the June 26 "petition for a reconsideration and stay" filed by the Truck Trailer Manufacturer Association?

Many thanks!

Camille

Camille von Kaenel

E&E News transportation reporter

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

www.eenews.net | [@EENewsUpdates](https://twitter.com/EENewsUpdates)

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Nelson, Brian[nelson.brian@epa.gov]
From: Cullen, Angela
Sent: Mon 10/30/2017 8:21:42 PM
Subject: FW: Revised draft of glider NPRM
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - Rev6.docx

From: Charmley, William
Sent: Monday, October 30, 2017 10:43 AM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: FW: Revised draft of glider NPRM

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

If it is possible to create a redline/strikeout of this that would be helpful.

Thanks

Bill

From: Dunham, Sarah
Sent: Monday, October 30, 2017 10:40 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Lewis, Josh <Lewis.Josh@epa.gov>
Subject: FW: Revised draft of glider NPRM

From: Harlow, David
Sent: Monday, October 30, 2017 10:33 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: FW: Revised draft of glider NPRM

Ex. 5 - Deliberative Process

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Harlow, David

Sent: Monday, October 30, 2017 10:31 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>;
Bolen, Brittany <bolen.brittany@epa.gov>

Subject: Revised draft of glider NPRM

Ex. 5 - Deliberative Process; Attorney Client

Thank you.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

To: Revelt, Jean-Marie[revelt.jean-marie@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Cullen, Angela
Sent: Wed 10/4/2017 12:23:09 PM
Subject: FW: communication between me and ACT Research

FYI.

Ex. 5 - Deliberative Process

From: Li, Chi
Sent: Wednesday, October 04, 2017 8:20 AM
To: Cullen, Angela <cullen.angela@epa.gov>
Subject: FW: communication between me and ACT Research

Hi Angela

Please forwarded.

Ex. 5 - Deliberative Process

Regards,

Chi Li

Office of Transportation & air quality

2000 traverwood Dr.

Ann arbor, MI 48105

Tel: 734 214 4336

Fax: 734 214 4050

From: Steve Tam [<mailto:stam@actresearch.net>]
Sent: Tuesday, October 03, 2017 5:03 PM
To: Li, Chi <Li.Chi@epa.gov>
Cc: kwvieth@actresearch.net
Subject: RE: question from EPA

Hi Chi,

As Kenny mentioned, we did some work in this space a number of years ago, actually late 2013. At that time, the glider kit industry was estimated at about 5,000 units per year. I have heard chatter that it may have spiked to somewhere between 6,000 and 8,000 units through 2016, though I do not have any definitive sources to corroborate the claim. The OEMs should be able to provide this info. To the best of my knowledge, Freightliner, Western Star, Kenworth and Peterbilt are the only OEMs who still produce glider kits.

The manufacturer that Kenny alluded to is Fitzgerald Glider Kits. They claim to produce more than 3,500 trucks per year. They are widely believed to be the largest single glider kit assembler in the country. After that, my understanding is that the market is pretty fragmented. WheelTime Network, Hoover's Truck, Cleveland Brothers, and Kustom Truck are some of the names I am familiar with, but there are dozens of players in the space. Many are repair facilities that assemble glider kits as a service. I don't have any insight on size, share or employment.

I am happy to chat more, but we have limited exposure to this segment of the market.

Regards,

Steve Tam

Vice President

ACT Research Co., LLC

4400 Ray Boll Blvd

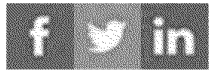
Columbus, IN 47203

Phone: (812) 379-2085

Fax: (812) 378-5997

Keep on Truckin'

Be social with us!



From: Kenny Vieth [<mailto:kwvieth@actresearch.net>]

Sent: Monday, October 02, 2017 5:50 PM

To: 'Li, Chi' <Li.Chi@epa.gov>

Cc: stam@actresearch.net

Subject: RE: question from EPA

Hi Chi,

Doing well, thanks. I hope you are doing as well.

While we have paid some attention to the glider market in the periphery, as they are not building new trucks (per se), it is not a part of the industry to which we devote much time.

My colleague, Steve Tam, did some due diligence work a few years ago on the subject (~'13). My suspicion/recollection was that it was pretty narrowly focused on one provider, and the sustainability of gliders as a means to beat regulations (our argument was the cheating was ultimately unsustainable). We did not get that far into the competitive landscape.

While we may not have the answers at hand, I am often surprised by what Steve has tucked away on different subjects.

I will ask him to respond in the AM when he returns to the office.

All the best,

Kenny

Kenny Vieth

President & Senior Analyst

O: 812/379-2085 | C: 812/343-4356 | actresearch.net



From: Li, Chi [<mailto:Li.Chi@epa.gov>]
Sent: Monday, October 02, 2017 12:35 PM
To: kwvieth@actresearch.net
Subject: question from EPA

Hi Kenny

How are you? First, I would like to let you I am still working on the contract we previously talked. However, as Matt Spears left his position, our planned project might need some modifications.

For this email, I have another question for you. As you might know, EPA currently redo the Glider kid regulation in the HD GHG phase II. Does the ACT have the information on HD Glider kid manufactures? More specifically, information regarding the glider manufacturer industry characterization? For example, who are those manufacturers, type, sales for each of them, market shares, employment, etc?

Thanks!

Regards,

Chi Li, PhD in economics

Office of Transportation & air quality

2000 traverwood Dr.

Ann arbor, MI 48105

Tel: 734 214 4336

Fax: 734 214 4050

To: Nelson, Brian[nelson.brian@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Kataoka, Mark
Sent: Wed 12/20/2017 4:38:33 PM
Subject: RE: For Review: Draft Response Letter re. Extension of Public Comment Period on Glider Repeal
DRAFT Response Letter Glider Repeal Comment Period NESCAUM - v4.docx

Ex. 5 - Deliberative Process; Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Nelson, Brian
Sent: December 20, 2017 11:08 AM
To: Moulis, Charles <moulis.charles@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: For Review: Draft Response Letter re. Extension of Public Comment Period on Glider Repeal

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Moulis, Charles

Sent: Wednesday, December 20, 2017 10:57 AM

To: Parsons, Christy <Parsons.Christy@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: RE: For Review: Draft Response Letter re. Extension of Public Comment Period on Glider Repeal

Comments attached.

From: Parsons, Christy

Sent: Wednesday, December 20, 2017 10:16 AM

To: Sutton, Tia <sutton.tia@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: For Review: Draft Response Letter re. Extension of Public Comment Period on Glider Repeal

Attached is a draft letter response per the request below. If anyone has suggestions or edits, then please feel free to include them and reply all.

The incoming letter is also attached for reference, and eventual inclusion on the web if that approach is agreed upon for this case.

Thanks,

Christy

From: Sutton, Tia

Sent: Tuesday, December 19, 2017 3:00 PM

To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: RE: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Thanks Bill!

Ex. 5 - Deliberative Process; Attorney Client

Thanks,

Tia

From: Charmley, William

Sent: Tuesday, December 19, 2017 2:41 PM

To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Dear all –

Chris heard back from Bill and Mandy. EPA will deny this request.

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Charmley, William

Sent: Tuesday, December 19, 2017 12:45 PM

To: Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: Fwd: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Ben or I will let everyone know what Chris here's back on this.

Thanks

Bill

Sent from my iPhone

Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>

Date: December 19, 2017 at 12:37:22 PM EST

To: "Wehrum, Bill" <Wehrum.Bill@epa.gov>

Cc: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Harlow, David" <harlow.david@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>

Subject: Urgent: States Request to Extend Public Comment Period on Glider Repeal

Bill,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Please let me know if you would like more information regarding this topic.

Chris

To: Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Moulis, Charles
Sent: Tue 6/6/2017 4:58:51 PM
Subject: DRAFT Glider Kit Background and Update - June 2017 - V2.docx
DRAFT Glider Kit Background and Update - June 2017 - V2.docx

Attached is a revised one pager on gliders.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Any comments before I send it to Chris for his review?

To: Meekins, Tanya[Meekins.Tanya@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Cyran, Carissa
Sent: Tue 12/6/2016 9:28:00 PM
Subject: Janet had one question/comment on the Black response re: Finalized Phase 2 GHG/FE Standards (CMS 16-001-1790)
[AX-16-001-1790 Administrator Response Ltr to Rep Diane Black on Gliders.docx](#)

Janet's question:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Feel free to make edits to the attachment and I can upload the revised version to CMS.

Thank you.

To: Birgfeld, Erin[Birgfeld.Erin@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Christopher Mylan
(Mylan.Christopher@epa.gov)[Mylan.Christopher@epa.gov]
From: Hengst, Benjamin
Sent: Thur 11/2/2017 5:48:20 PM
Subject: FW: Revised draft of gliders NPRM
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - Rev11.docx

Here's the latest

This could go out as early as tomorrow, though we don't know for certain the timing

From: Harlow, David
Sent: Thursday, November 02, 2017 12:14 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany
<bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Orlin, David
<Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Revised draft of gliders NPRM

All,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

So Ben, have at it, with respect to the “housekeeping”/logistical elements.
And my thanks to all for your good help in getting this done.

David S. Harlow
Senior Counsel

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

To: Orlin, David[Orlin.David@epa.gov]
From: Hengst, Benjamin
Sent: Thur 11/2/2017 5:33:22 PM
Subject: RE: Revised draft of gliders NPRM

Ex. 5 - Deliberative Process; Attorney Client

From: Orlin, David
Sent: Thursday, November 02, 2017 1:32 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Fwd: Revised draft of gliders NPRM

Ex. 5 - Deliberative Process; Attorney Client

Begin forwarded message:

From: "Orlin, David" <Orlin.David@epa.gov>
Date: November 2, 2017 at 1:03:22 PM EDT
To: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Yanca, Catherine" <yanca.catherine@epa.gov>, "Moulis, Charles" <moulis.charles@epa.gov>, "Sargeant, Kathryn" <sargeant.kathryn@epa.gov>, "Cullen, Angela" <cullen.angela@epa.gov>, "Parsons, Christy" <Parsons.Christy@epa.gov>
Cc: "Sutton, Tia" <sutton.tia@epa.gov>, "Kataoka, Mark" <Kataoka.Mark@epa.gov>
Subject: RE: Revised draft of gliders NPRM

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin

Sent: Thursday, November 02, 2017 12:28 PM

To: Charmley, William <charmley.william@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>

Cc: Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: FW: Revised draft of gliders NPRM

All – see below.

Ex. 5 - Deliberative Process; Attorney Client

Ben

From: Harlow, David

Sent: Thursday, November 02, 2017 12:14 PM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Revised draft of gliders NPRM

All,

Ex. 5 - Deliberative Process; Attorney Client

So Ben, have at it, with respect to the “housekeeping”/logistical elements. And my thanks to all for your good help in getting this done.

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

To: McGartland, Al[McGartland.Al@epa.gov]; Wolverton, Ann[Wolverton.Ann@epa.gov]
From: Hengst, Benjamin
Sent: Tue 11/7/2017 8:40:47 PM
Subject: FW: Glider NPRM update
EO12866 Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN 2....docx
EO12866 Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN 2....docx

FYI

From: Hengst, Benjamin
Sent: Tuesday, November 07, 2017 3:30 PM
To: Harlow, David <harlow.david@epa.gov>; Mandy Gunasekara (Gunasekara.Mandy@epa.gov) <Gunasekara.Mandy@epa.gov>
Cc: Sarah Dunham <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Orlin, David <Orlin.David@epa.gov>; William Charmley (charmley.william@epa.gov) <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Josh Lewis <Lewis.Josh@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Samantha Dravis (dravis.samantha@epa.gov) <dravis.samantha@epa.gov>
Subject: Glider NPRM update

Hi all:

Earlier today we had a second interagency call on the glider NPRM. David Harlow participated in that call.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks,

Ben

From: Sutton, Tia

Sent: Tuesday, November 07, 2017 3:21 PM

To: Whiteman, Chad S. EOP/OMB

Ex. 6 - Personal Privacy

Cc: Owens, Nicole <Owens.Nicole@epa.gov>, Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: New EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Chad,

Attached are redline and clean versions of the NPRM containing the edits that were discussed on today's call. Also, as I mentioned before, we made some minor FR formatting edits that are not substantive in any way (but it will speed up publication if we make them now).

Please let us know if you have any questions or problems with the files.

Thanks,

Tia

To: Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Fri 11/3/2017 10:25:09 PM
Subject: Fwd: Glider NPRM status

Begin forwarded message:

From: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Date: November 3, 2017 at 5:13:15 PM EDT
To: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Harlow, David" <harlow.david@epa.gov>
Cc: "Baptist, Erik" <baptist.erik@epa.gov>, "Dominguez, Alexander" <dominguez.alexander@epa.gov>, "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: Glider NPRM status

Hi everyone:

Ex. 5 - Deliberative Process; Attorney Client

Thanks,

Ben

From: Hengst, Benjamin
Sent: Thursday, November 02, 2017 8:05 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: Fwd: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

All:

OTAQ has sent OMB the attached draft of the glider repeal NPRM.

Others may hear before we do on OMB's next steps (e.g., clearance) but we will share anything we hear.

Thanks

Ben

Begin forwarded message:

From: "Sutton, Tia" <sutton.tia@epa.gov>
Date: November 2, 2017 at 6:28:20 PM EDT
To: "Whiteman, Chad S. EOP/OMB" <Chad_S_Whiteman@omb.eop.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Cc: "Burch, Julia" <Burch.Julia@epa.gov>, "Owens, Nicole" <Owens.Nicole@epa.gov>
Subject: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Chad,

Attached please find EPA's passback on the draft NPRM "Repeal of Emission

Requirements for Glider Vehicles, Glider Engines, and Glider Kits.” This is a redline-strikeout as compared to the version that was uploaded on October 20, 2017 (which I believe had a date of 10/17/17 in the file).

Thanks,

Tia

From: Whiteman, Chad S. EOP/OMB **Ex. 6 - Personal Privacy**
Sent: Tuesday, October 24, 2017 10:16 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: EO 12866 Interagency Comments on EPA Glider NPRM

Ben,

Attached are EO 12866 interagency review comments on EPA’s draft NPRM titled, “Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits,” RIN 2060–AT79.

Best Regards,

Chad

Chad Whiteman

Senior Policy Analyst, Office of Information and Regulatory Affairs

Office of Management and Budget | Executive Office of the President

Ex. 6 - Personal Privacy

To: Grundler, Christopher[grundler.christopher@epa.gov]; Kathryn Sargeant[Sargeant.Kathryn@epa.gov]; William Charmley (charmley.william@epa.gov)[charmley.william@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Fri 10/20/2017 5:03:24 PM
Subject: FW: edits to NRPM
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 - ... minor edits am.docx

See attached language.

Ex. 5 - Deliberative Process; Attorney Client

From: McGartland, Al
Sent: Friday, October 20, 2017 12:49 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>
Subject: edits to NRPM

Hi Ben

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Also attached.

To: William Charmley (charmley.william@epa.gov)[charmley.william@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Tue 10/31/2017 1:23:48 PM
Subject: FW: Glider NPRM update

From: Gunasekara, Mandy
Sent: Tuesday, October 31, 2017 9:22 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: Glider NPRM update

Looping in Erik and Brittany. Erik, can you follow up on the OGC front and Brittany, can you follow up on OP.

Sent from my iPhone

On Oct 31, 2017, at 8:49 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Mandy, David: we wanted to provide a quick update on what we know about where things stand on the glider NPRM.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Please let us know if you have any questions.

Thanks,

Ben

From: Hengst, Benjamin
Location: Call in below; in DC we will use 6520A
Importance: Normal
Subject: Call with OMB on glider repeal NPRM
Start Date/Time: Tue 11/7/2017 3:30:00 PM
End Date/Time: Tue 11/7/2017 4:30:00 PM
EO12866 Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN 20171102.docx
EO 12866 Review - EPA Repeal of Emission Requirements for Glider Vehicles - NPRM -
10_24_2017.docx

Attaching the version of the glider document that contains the original comments from OMB (10/24 version)

EPA's passback document is the 11/2 version

Time is confirmed for 10:30 am Tuesday morning (11/7/17)

Dial-In: Ex. 6 - Personal Privacy **Participant Code:** Ex. 6 - Personal Privacy

From: Hengst, Benjamin
Location: Call in below; in DC we will use 6520A
Importance: Normal
Subject: Call with OMB on glider repeal NPRM
Start Date/Time: Tue 11/7/2017 3:30:00 PM
End Date/Time: Tue 11/7/2017 4:30:00 PM
EO12866 Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN 20171102.docx

Time is confirmed for 10:30 am Tuesday morning (11/7/17).

Dial-In: Ex. 6 - Personal Privacy Participant Code: Ex. 6 - Personal Privacy

For those in DC we will meet in 6520A (Chris G's office)

All: **Ex. 5 - Deliberative Process; Attorney Client**

Ex. 5 - Deliberative Process; Attorney Client

For those that want to join, we will be gathering in 6524 in Clinton North. I'm attaching the version of the document we sent to OMB on Nov 2 (last Thursday).

I'll add dial-in information shortly.

To: Harlow, David[harlow.david@epa.gov]
From: Hengst, Benjamin
Sent: Fri 11/3/2017 2:43:51 PM
Subject: RE: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Ex. 5 - Deliberative Process

Just thought I'd share for future reference, as it may come up in future rules.

Ben

From: Harlow, David
Sent: Friday, November 03, 2017 10:25 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Ex. 5 - Deliberative Process

David S. Harlow
Senior Counsel

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K**

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

From: Hengst, Benjamin
Sent: Friday, November 3, 2017 9:35 AM
To: Harlow, David <harlow.david@epa.gov>
Subject: RE: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

By the way, you will have seen by now but we were able to secure a hearing date and venue (a room here in HQ on December 4).

I'll be in touch if I hear more. Thanks, Ben

From: Harlow, David
Sent: Friday, November 03, 2017 7:15 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Thanks, Ben, for pushing this through to completion and furthering it along.

**David S. Harlow
Senior Counsel**

**Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA**

WJC-N Room 5409K

**1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233**

Harlow.David@epa.gov

From: Hengst, Benjamin

Sent: Thursday, November 2, 2017 8:05 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David
<harlow.david@epa.gov>

Cc: Baptist, Erik <baptist.erik@epa.gov>; Dominguez, Alexander
<dominguez.alexander@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler,
Christopher <grundler.christopher@epa.gov>; Charmley, William
<charmley.william@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Dravis, Samantha
<dravis.samantha@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Lewis, Josh
<Lewis.Josh@epa.gov>

Subject: Fwd: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

All:

OTAQ has sent OMB the attached draft of the glider repeal NPRM.

Others may hear before we do on OMB's next steps (e.g., clearance) but we will share anything we hear.

Thanks

Ben

Begin forwarded message:

From: "Sutton, Tia" <sutton.tia@epa.gov>

Date: November 2, 2017 at 6:28:20 PM EDT

To: "Whiteman, Chad S. EOP/OMB" <Chad_S_Whiteman@omb.eop.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Cc: "Burch, Julia" <Burch.Julia@epa.gov>, "Owens, Nicole" <Owens.Nicole@epa.gov>
Subject: EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Chad,

Attached please find EPA's passback on the draft NPRM "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits." This is a redline-strikeout as compared to the version that was uploaded on October 20, 2017 (which I believe had a date of 10/17/17 in the file).

Thanks,

Tia

From: Whiteman, Chad S. EOP/OMB **Ex. 6 - Personal Privacy**
Sent: Tuesday, October 24, 2017 10:16 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: EO 12866 Interagency Comments on EPA Glider NPRM

Ben,

Attached are EO 12866 interagency review comments on EPA's draft NPRM titled, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits," RIN 2060-AT79.

Best Regards,

Chad

Chad Whiteman

Senior Policy Analyst, Office of Information and Regulatory Affairs

Office of Management and Budget | Executive Office of the President

Ex. 6 - Personal Privacy

To: Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Yanca, Catherine
Sent: Mon 10/30/2017 3:44:27 PM
Subject: RE: Low NOx Fuel Standard for HDV
DRAFT HD NOx briefing for EPA leadership Nov 2017.pptx

Ex. 5 - Deliberative Process; Attorney Client

Coincidentally, I had just asked Bill if he thought we were ready enough with the draft slides to send them to you. We are, and if you could send us comments by noon tomorrow, we will get them in and send this up the chain. Chris G is also reviewing this right now.

Thanks!

~Cay

From: Orlin, David
Sent: Monday, October 30, 2017 11:29 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Yanca, Catherine <yanca.catherine@epa.gov>
Subject: RE: Low NOx Fuel Standard for HDV

Ex. 5 - Deliberative Process; Attorney Client

(Cay do you know? I already sent Bill the email below asking...)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Kataoka, Mark
Sent: Monday, October 30, 2017 11:26 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Low NOx Fuel Standard for HDV

I assume topic is in-use fuel, not (cert) test fuel, so not in my bailiwick?

From: Orlin, David
Sent: October 30, 2017 11:23 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Low NOx Fuel Standard for HDV

Is this meeting happening? Was it requested by Mandy? I don't think I've heard anything about it (e.g., slides, topics, etc.)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

-----Original Appointment-----

From: Dunham, Sarah
Sent: Thursday, October 19, 2017 1:45 PM
To: Dunham, Sarah; Lewis, Josh; Gunasekara, Mandy; Dominguez, Alexander; Harlow, David; Grundler, Christopher; Hengst, Benjamin; Charmley, William; Yanca, Catherine; Sargeant, Kathryn; Sanchez, James; Orlin, David
Cc: Kataoka, Mark
Subject: Low NOx Fuel Standard for HDV
When: Wednesday, November 01, 2017 1:00 PM-1:45 PM (UTC-05:00) Eastern Time (US &

Canada).

Where: WJC-N 5400 + Video with AA + 1 866-299-3188; Participant Code: 202-256-4000

To: Dunham, Sarah; Lewis, Josh; Gunasekara, Mandy; Dominguez, Alex; Harlow, David; Grundler, Chris; Hengst, Ben; Charmley, Bill; Yanca, Cay; Sanchez, James; Sargeant, Kathryn; Orlin, David

To: Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]
Cc: Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]
From: Schmidt, Lorie
Sent: Tue 1/2/2018 11:30:08 PM
Subject: FW: New GC's Arrival and Briefing Papers

Ex. 5 - Deliberative Process; Attorney Client

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

From: Schmidt, Lorie
Sent: Tuesday, January 02, 2018 6:26 PM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: New GC's Arrival and Briefing Papers

Matt Leopold, our new GC, will be arriving January 8.

I thought you might like to know about some of the preparations taking place for his arrival. Folks are working on putting together a schedule for him to introduce him to OGC and the Agency, and they are checking with him to see if it's what he wants. I don't have all the details, but will pass on the relevant ones when I can.

Not Responsive; Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Not Responsive; Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Lorie Schmidt

Associate General Counsel, Air and Radiation

Office of General Counsel

US Environmental Protection Agency

(202)564-1681

To: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Orlin, David
Sent: Thur 11/16/2017 6:42:35 PM
Subject: FW: Glider NPRM publication

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Wednesday, November 15, 2017 3:47 PM
To: Moulis, Charles <moulis.charles@epa.gov>
Subject: RE: Glider NPRM publication

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Moulis, Charles
Sent: Wednesday, November 15, 2017 3:43 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Glider NPRM publication

If we want to be more detailed, I would revise it as shown below.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

From: Orlin, David

Sent: Wednesday, November 15, 2017 3:17 PM

To: Parsons, Christy <Parsons.Christy@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>

Cc: Sutton, Tia <sutton.tia@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>

Subject: RE: Glider NPRM publication

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David

Sent: Wednesday, November 15, 2017 3:00 PM

To: Parsons, Christy <Parsons.Christy@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>

Cc: Sutton, Tia <sutton.tia@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>

Subject: RE: Glider NPRM publication

I made few more edits in sharepoint

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Parsons, Christy

Sent: Wednesday, November 15, 2017 1:53 PM

To: Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>

Cc: Sutton, Tia <sutton.tia@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>

Subject: RE: Glider NPRM publication

Thanks David. The [current draft](#) is available here on SharePoint.

I'm also attaching the draft in case editing in SharePoint is an issue for you (SharePoint is preferable but we'll make it work if you need to use the attached).

Christy

From: Orlin, David

Sent: Wednesday, November 15, 2017 1:16 PM

To: Moulis, Charles <moulis.charles@epa.gov>

Cc: Sutton, Tia <sutton.tia@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Re: Glider NPRM publication

Ex. 5 - Deliberative Process; Attorney Client

On Nov 15, 2017, at 1:13 PM, Moulis, Charles <moulis.charles@epa.gov> wrote:

FR now says publication will be Thursday:

<https://www.federalregister.gov/documents/2017/11/16/2017-24884/repeal-of-emission-requirements-for-glider-vehicles-glider-engines-and-glider-kits>

From: Sutton, Tia

Sent: Tuesday, November 14, 2017 10:10 AM

To: Parsons, Christy <Parsons.Christy@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>

Cc: Yanca, Catherine <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Glider NPRM publication

Since I know at least one person is going to ask, thought I'd send a quick note on this. ☺

For the NPRM publication, we requested a pub date of "on or before 11/17". I'm not exactly sure when OP sent the rule over, so fingers crossed that FR can meet this date. We put Christy and Chuck as the contacts for the rule on the FR Cover Sheet, so when FR schedules publication (and if they have any additional edits to the document), the 2 of you will be contacted. FR will usually send an email at least a couple days in advance to let you know when your document is scheduled to be published.

To: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Chen, Sue (ENRD)
Sent: Wed 1/10/2018 4:57:29 PM
Subject: Truck GHG: draft status report
ENV_DEFENSE-#830765-v1-Truck_GHG_2018_01_25_status_report.DOCX

Mark,

Ex. 5 - Attorney Work Product; Attorney Client

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

To: Kataoka, Mark[Kataoka.Mark@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Schmidt, Lorie[Schmidt.Lorie@epa.gov]
From: Orlin, David
Sent: Thur 11/16/2017 4:08:15 PM
Subject: FW: section 317 memo for gliders docket
DSHEcon Assessment Memo - Draft 11-15 v2 clean, WJC.DOCX

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Thursday, November 16, 2017 10:59 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Harlow, David <harlow.david@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: section 317 memo for gliders docket

Dear Erik and everyone

It is attached.

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Baptist, Erik
Sent: Thursday, November 16, 2017 10:07 AM
To: Charmley, William <charmley.william@epa.gov>; Harlow, David <harlow.david@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: section 317 memo for gliders docket

Bill,

Ex. 5 - Deliberative Process; Attorney Client

Thanks!

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Charmley, William

Sent: Thursday, November 16, 2017 7:43 AM

To: Harlow, David <harlow.david@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: section 317 memo for gliders docket

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Harlow, David

Sent: Wednesday, November 15, 2017 6:43 PM

To: Baptist, Erik <baptist.erik@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: section 317 memo for gliders docket

Excellent, Erik, and thanks! Gentlemen (and Mandy), I leave you all in Erik's capable hands to help finish this off tomorrow.

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik

Sent: Wednesday, November 15, 2017 6:40 PM

To: Harlow, David <harlow.david@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: section 317 memo for gliders docket

My quick responses are below.

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Harlow, David

Sent: Wednesday, November 15, 2017 6:35 PM

To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>;
Baptist, Erik <baptist.erik@epa.gov>

Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin
<Hengst.Benjamin@epa.gov>

Subject: RE: section 317 memo for gliders docket

All,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Charmley, William
Sent: Wednesday, November 15, 2017 5:41 PM
To: Harlow, David <harlow.david@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: section 317 memo for gliders docket

Dear all –

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks

Bill

From: Harlow, David

Sent: Wednesday, November 15, 2017 5:17 PM

To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>;
Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>

Subject: FW: section 317 memo for gliders docket

Importance: High

Gentlemen,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Thanks to you all for your good work in getting this done.

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K

1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Baptist, Erik
Sent: Wednesday, November 15, 2017 4:57 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: FW: section 317 memo for gliders docket
Importance: High

FYI!

Erik Baptist

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

From: Orlin, David

Sent: Wednesday, November 15, 2017 4:54 PM

To: Baptist, Erik <baptist.erik@epa.gov>

Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam
<Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>

Subject: section 317 memo for gliders docket

Erik,

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Let us know if you have any comments or suggestions, or would like to discuss further.

Thanks,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Kataoka, Mark[Kataoka.Mark@epa.gov]; Moulis, Charles[moulis.charles@epa.gov];
Orlin, David[Orlin.David@epa.gov]
From: Parsons, Christy
Sent: Tue 1/9/2018 8:58:50 PM
Subject: RE: State AG Comments on Glider Repeal

Ex. 5 - Deliberative Process; Attorney Client

Thanks!
Christy

-----Original Message-----

From: Kataoka, Mark
Sent: Tuesday, January 09, 2018 12:25 PM
To: Parsons, Christy <Parsons.Christy@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>;
Orlin, David <Orlin.David@epa.gov>
Subject: RE: State AG Comments on Glider Repeal

Yes, I think sharedrive/point would be helpful.

Mark M. Kataoka
Attorney
EPA OGC ARLO (2344A)
202-564-5584

-----Original Message-----

From: Parsons, Christy
Sent: January 09, 2018 12:10 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka,
Mark <Kataoka.Mark@epa.gov>
Subject: RE: State AG Comments on Glider Repeal

Ex. 5 - Deliberative Process; Attorney Client

Christy

-----Original Message-----

From: Moulis, Charles

Sent: Tuesday, January 09, 2018 12:07 PM

To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Parsons, Christy <Parsons.Christy@epa.gov>

Subject: RE: State AG Comments on Glider Repeal

Ex. 5 - Deliberative Process; Attorney Client

-----Original Message-----

From: Orlin, David

Sent: Tuesday, January 09, 2018 11:49 AM

To: Moulis, Charles <moulis.charles@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Parsons, Christy <Parsons.Christy@epa.gov>

Subject: RE: State AG Comments on Glider Repeal

Ex. 5 - Deliberative Process; Attorney Client

https://insideepa.com/sites/insideepa.com/files/documents/2018/jan/epa2018_0024d.pdf

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

-----Original Message-----

From: Moulis, Charles

Sent: Monday, January 08, 2018 11:28 AM

To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Cc: Parsons, Christy <Parsons.Christy@epa.gov>

Subject: State AG Comments on Glider Repeal

More legal comments.

To: Baptist, Erik[baptist.erik@epa.gov]
Cc: Schmidt, Lorie[Schmidt.Lorie@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Orlin, David
Sent: Wed 11/8/2017 2:06:15 AM
Subject: FW: Glider NPRM update
[EO12866 Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN 2....docx](#)
[EO12866 Repeal of Emission Requirements for Gliders 2060-AT79 NPRM FRN 2....docx](#)

Erik,

Ex. 5 - Deliberative Process; Attorney Client; Attorney Work Product

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin
Sent: Tuesday, November 07, 2017 3:30 PM
To: Harlow, David <harlow.david@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Glider NPRM update

Hi all:

Earlier today we had a second interagency call on the glider NPRM. David Harlow participated in that call.

Ex. 5 - Deliberative Process; Attorney Client

Thanks,

Ben

From: Sutton, Tia

Sent: Tuesday, November 07, 2017 3:21 PM

To: Whiteman, Chad S. EOP/OMB <Chad_S_Whiteman@omb.eop.gov>

Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Subject: New EPA passback to EO 12866 Interagency Comments on EPA Glider NPRM

Chad,

Attached are redline and clean versions of the NPRM containing the edits that were discussed on today's call. Also, as I mentioned before, we made some minor FR formatting edits that are not substantive in any way (but it will speed up publication if we make them now).

Please let us know if you have any questions or problems with the files.

Thanks,

Tia

To: Kataoka, Mark[Kataoka.Mark@epa.gov]; McConkey, Diane[Mcconkey.Diane@epa.gov]
From: Orlin, David
Sent: Wed, 10/4/2017 7:47:40 PM
Subject: RE: **Ex. 5 - Deliberative Process; Attorney Client**

Ex. 5 - Deliberative Process; Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Kataoka, Mark
Sent: Wednesday, October 04, 2017 3:45 PM
To: McConkey, Diane <Mcconkey.Diane@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process; Attorney Client**

David may know better but tomorrow should be fine

If you want latest version here is link: [clean copy of the document](#)

From: McConkey, Diane
Sent: October 04, 2017 3:39 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: **Ex. 5 - Deliberative Process; Attorney Client**

Thanks, Mark. What's your timeline for initial reactions? I can probably turn to this on

Thursday but wanted to check in case other things threaten to intervene.

From: Kataoka, Mark

Sent: Wednesday, October 04, 2017 11:59 AM

To: McConkey, Diane <Mcconkey.Diane@epa.gov>

Cc: Orlin, David <Orlin.David@epa.gov>

Subject: FW: **Ex. 5 - Deliberative Process; Attorney Client**

FYI -

Ex. 5 - Deliberative Process; Attorney Client

Ex. 5 - Deliberative Process; Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Moulis, Charles

Sent: October 04, 2017 9:59 AM

To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Parsons, Christy <Parsons.Christy@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>

Subject: **Ex. 5 - Deliberative Process; Attorney Client**

Here is a clean version that is ready for review, although there are still a few things to check.
This version is at:

File Path

To: Moulis, Charles[moulis.charles@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Parsons, Christy[Parsons.Christy@epa.gov]
From: Charmley, William
Sent: Mon 9/25/2017 2:05:11 PM
Subject: HD Phase 2 rule documents/discussion of the legal authority discussion from NPRM, FRM, EPA memos to the docket, and Response to Comments document

Chuck,

Ex. 5 - Deliberative Process; Attorney Client

When you send this to Mark and David, please include both Karl and I on the response.

Thanks

Bill

To: Jon.Lipshultz@usdoj.gov[Jon.Lipshultz@usdoj.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Orlin, David
Sent: Fri 10/20/2017 10:12:44 PM
Subject: Fwd: HD glider rescission rule - OMB review file
Repeal of Emission Requirements for Glider Vehicles - NPRM - 10.17.17 -docx
ATT00001.htm

Jack,

Ex. 5 - Deliberative Process; Attorney Client

Let me or Mark know if you'd like any further information,

David

Begin forwarded message:

From: "Sutton, Tia" <sutton.tia@epa.gov>
Date: October 20, 2017 at 5:45:51 PM EDT
To: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>, "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Cc: "Orlin, David" <Orlin.David@epa.gov>, "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>, "Millett, John" <Millett.John@epa.gov>, "Simon, Karl" <Simon.Karl@epa.gov>, "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Moulis, Charles" <moulis.charles@epa.gov>, "Cyran, Carissa" <Cyran.Carissa@epa.gov>
Subject: RE: HD glider rescission rule - OMB review file

Hi all,

Attached is what was apparently uploaded this afternoon. I just connected with Chad, and OMB was also unaware that it had been uploaded. Chad is going to circulate things to the Interagency reviewers ASAP, but not sure what this means for the reginfo.gov website (it may not show up there as being under 12866 review until sometime Monday).

OMB has requested a briefing on Monday at 4pm, and a follow-up call on Tuesday at 10am (mostly to talk legal issues). I will check schedules now, but please let me know if these options do not work for you at all.

Thanks,

Tia

From: Hengst, Benjamin

Sent: Friday, October 20, 2017 5:22 PM

To: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>

Cc: Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Millett, John <Millett.John@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: HD glider rescission rule

Ex. 5 - Deliberative Process; Attorney Client

Ben

To: Spears, Matthew[spears.matthew@epa.gov]; Wysor, Tad[wysor.tad@epa.gov]; Healy, Stephen[healy.stephen@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
From: Sutton, Tia
Sent: Tue 3/21/2017 7:34:29 PM
Subject: RE: Glider questions from Sen. Graham's constituent

Hi guys,

Ex. 5 - Deliberative Process

Thanks,

Tia

From: Spears, Matthew
Sent: Tuesday, March 21, 2017 8:58 AM
To: Sutton, Tia <sutton.tia@epa.gov>
Cc: Wysor, Tad <wysor.tad@epa.gov>; Healy, Stephen <healy.stephen@epa.gov>; Moulis,

Charles <moulis.charles@epa.gov>

Subject: Re: Glider questions from Sen. Graham's constituent

Hi Tia,

Ex. 5 - Deliberative Process

Please let me know how we could get that to happen, thanks.

Regards,

Matthew Spears

Center Director, Heavy-Duty Diesel Standards

U.S. Environmental Protection Agency

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

On Mar 20, 2017, at 21:43, Sutton, Tia <sutton.tia@epa.gov> wrote:

Thanks, Tad- can you forward me that email when you get a chance? (and I'll work with Matt, Chuck & Steve on next steps)

Sent from my iPhone

On Mar 20, 2017, at 8:15 PM, Wysor, Tad <wysor.tad@epa.gov> wrote:

Steve and Tia, I forwarded the email from this staffer to Chuck and Matt last week at

Matt's request, so coordinate with them about any next steps. --Tad

From: Sutton, Tia

Sent: Monday, March 20, 2017 5:10 PM

To: Healy, Stephen <healy.stephen@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Wysor, Tad <wysor.tad@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>

Subject: Glider questions from Sen. Graham's constituent

Hey y'all,

Ex. 5 - Deliberative Process

Thanks!

-Tia

From: Haman, Patricia

Sent: Monday, March 20, 2017 3:35 PM

To: Sutton, Tia <sutton.tia@epa.gov>

Cc: Burch, Julia <Burch.Julia@epa.gov>

Subject: new request

Ex. 5 - Deliberative Process

Patricia Haman

Office of Congressional Affairs

U.S. EPA

202-564-2806